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CrI.O.P.No.4771 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.O.P.No.4771 of 2025

Elangovan @ Appu

...Petitioner/Accused 4

Vs.

State rep by
The Inspector of Police,
Jadarpalayam Police Station,
Namakkal.

(Crime No.119 of 2024)

... Respondent

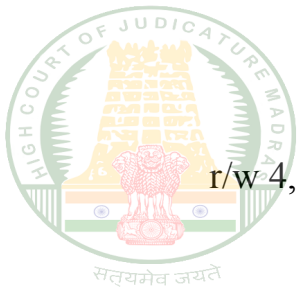
PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.119 of 2024 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Loganathan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI. Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 08.12.2024, seeking bail in Crime No.119 of 2024 registered for the offence under Sections 137(2), 3



r/w 4, 5(g), 5(i) r/w 6(1), 7 r/w 8 and 17 of POCSO Act, 2012.

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2.It is the case of the prosecution that the victim girl was taken by A1 and A2, namely one Vignesh and Akash; that thereafter they had committed penetrative sexual assault against the victim girl. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner had not committed any offence even according to the prosecution and that the similarly placed co-accused was granted bail by this Court in CrI.O.P.No.3448 of 2025 on 12.02.2025 and sought for bail.

4.Per contra, the learned Government Advocate (CrI. Side) reiterated the prosecution case and submitted that the petitioner sat next to the victim girl and tried to touch the victim girl and when she refused, he went away.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (CrI. Side) for the respondent Police and perused the materials available on record.



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6.Considering the period of incarceration, the fact that there is no serious allegation against the petitioner and since the similarly placed co-accused has been granted bail by this Court in CrI.O.P.3448 of 2025, this Court is of the view that further custody of the petitioner is not required for the purpose of investigation. Hence, this Court is inclined to grant bail to the petitioner with certain conditions:

7.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **Judicial Magistrate, Mahalir Neethimandam (FTC), Namakkal**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either



during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

04.03.2025

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Copy to:



1.The Inspector of Police,
Jadarpalayam Police Station,
Namakkal

2.The Judicial Magistrate, Mahalir Neethimandram (FTC), Namakkal.

3.Sub Jail, Namakkal.

4.The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.



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