



CRL O.P. No.4911 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 24.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL O.P. No.4911 of 2025

C.Joseph Kumar @ Joseph

... Petitioner / accused

Versus

The State Rep. By
The Inspector of Police,
All Women Police Station Vellore,
Vellore District.
Crime No.50 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S., praying to enlarge the petitioner on bail pending investigation in Crime No.50 of 2024 on the file of the respondent Police.

For petitioner : Mr. S. Suresh.

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

ORDER



CRL O.P. No.4911 of 2025

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This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 27.12.2024, seeking bail in Crime No.50 of 2024 registered for the offence under Sections 8 of the POCSO Act, 137(2) of BNS @ 9(m), 10 of POCSO Act and 137(2) of BNS.

2.The case of the prosecution is that the petitioner and the victim are neighbours residing in the same street; that when she was walking in the street, the petitioner pulled her and touched her breast and when the victim shouted, he slapped her. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is in custody from 27.12.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court and since further custody is not required, the petitioner may be released on bail.



CRL O.P. No.4911 of 2025

WEB COPY

4. Learned Government Advocate (Crl.Side) reiterated the case of the prosecution and produced the statement of the victim. He further submitted that investigation has been completed and charge sheet has been filed.

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

6. Considering the aforesaid facts; nature of allegations against the petitioner and his age; the period of incarceration; and since final report has been filed, this Court is of the view that further custody is not required for the purpose of investigation and inclined to grant bail to the petitioner with 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 Special Court for Exclusive Trial of Cases under POCSO Act, Vellore.



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CRL O.P. No.4911 of 2025

[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.

24.02.2025

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CRL O.P. No.4911 of 2025

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To

1.The Public Prosecutor,
High Court of Madras,
Chennai.

2.The Inspector of Police,
All Women Police Station Vellore,
Vellore District.

3.The Special Court for Exclusive Trial
of Cases under POCSO Act,
Vellore.

4.The Central Prison,
Vellore.



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CRL O.P. No.4911 of 2025

SUNDER MOHAN. J,

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CRL O.P. No.4911 of 2025

24.02.2025