



Crl.O.P.No.5423 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.5423 of 2025

Rajendran

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
All Women Police Station,
Pollachi,
Coimbatore District.

(Crime No.2 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.2 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.K.Kathiresan

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



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ORDER

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This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 06.01.2025, seeking bail in Crime No.2 of 2025 registered for the offence under Sections 7 r/w 8 of POCSO Act, 2012 and Section 332(c) and 127(2) of BNS, 2023.

2.It is the case of the prosecution that the petitioner (aged 60 years) is the neighbour of the victim girl; that on the date of occurrence, when the victim girl was sleeping in her house, she found the petitioner sleeping next to her and had touched her breast and that the victim had pushed the petitioner and thus the petitioner had committed the aforesaid offences. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner and the defacto complainant's grandmother had a prior dispute; that the petitioner had filed a complaint before the Pollachi L&O Police Station against the defacto complainant's grandmother and to counter the said complaint, the instant complaint has been lodged and sought for bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated



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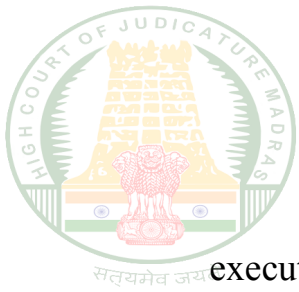
the prosecution case and produced a copy of the statement of the victim recorded under Section 164(5) of Cr.P.C.

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

6.On perusal of the statement of the victim recorded under Section 164(5) Cr.P.C., it is seen that the petitioner and the defacto complainant's grandmother had disputes and that they were not in talking terms. It is also seen that the petitioner had lodged a complaint against the victim's grandmother.

7.Considering the aforesaid facts, the age of the petitioner, the nature of allegations, 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:

8.Accordingly, the petitioner is ordered to be released on bail on his



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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 the Exclusive Trial of POCSO Act Cases, Coimbatore**, and on further conditions that:

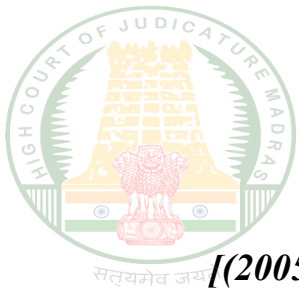
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police, twice a week i.e, on every Monday and Thursday 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***



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[(2005)AIR SCW 5560];

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[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,
All Women Police Station,
Pollachi,
Coimbatore District.

2.The Special Court for the Exclusive Trial of POCSO Act Cases,
Coimbatore.

3.Central Prison, Coimbatore.

4.The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.

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