



WEB COPY



Crl.O.P.No.5868 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5868 of 2025

Sadhasivam

... Petitioner

Vs.

State Rep. by

The Inspector of Police

W-5, All Women Police Station

Selaipur, Chennai.

(Crime No.8 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in Crime No.8 of 2023 on the file of the respondent.

For Petitioner : Mr.C.V.Kumar

For Respondent : Mr.Leonard Arul Joseph Selvam

Learned Government Advocate (Criminal Side)

ORDER

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.8 of 2023 registered for the offence under Section 5(l), 5(m), 5(n) r/w.6 of POCSO Act 2012 and 376(2)(n) of IPC.

2.The case of the prosecution is that the petitioner is the step father of the victim girl, who is aged about 15 years, that mother of the victim girl had differences with her Father and thereafter started living with the petitioner, that on 12.07.2021 when the victim girl was alone, the petitioner had pressed her



breast inappropriately and also placed his private part in the private part of the victim.

3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the alleged occurrence is said to have been taken place in 2021 however, the FIR was lodged only in 2023 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4.Learned Government Advocate (CrI.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case. The learned Government Advocate produced the copy of statement of the victim girl recorded u/s164 of Cr.P.C., and also submitted that the final report has been filed before the trial Court.

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, including the statement recorded u/s.164 of Cr.P.C. of the victim girl.

6.Considering the nature of allegations, period of incarceration undergone by the petitioner, the fact that the occurrence had taken place in 2021, final report has been filed before the trial Court, and since further custody is not



required for the purpose of interrogation, 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 Special Court for exclusive trial of cases under POCSO Act, Chengalpattu, 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 of B.N.S.

03.03.2025

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SUNDER MOHAN, J.

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To

1.The Special Court for exclusive trial of cases under POCSO Act,
Chengalpattu

2.The Inspector of Police
W-5, All Women Police Station
Selaiyur, Chennai.

3.The Superintendent,
Central Prison, Puzhal, Chennai.

4.The Public Prosecutor,
High Court of Madras.

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