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Crl.O.P.No.5405 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2025

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 5405 of 2025

Kumaran

Petitioner(s)

Vs

The State Represented by,

The Inspector of Police,

Pernambut Police Station,

Pernambut, Vellore District. (Crime No.55 of 2025)

Respondent(s)

For Petitioner(s): Mr.Vinodh Kumar

For Respondent(s): Mr.S.Balaji,
Government Advocate (Criminal Side)

PRAYER To enlarge the petitioner on anticipatory bail in the event of his arrest by the Respondent in Crime No.55 of 2025 on the file of the Respondent.

ORDER

The petitioner, who apprehends arrest at the hands of the respondent for the offences punishable under Section 296(b) of BNS r/w Sections 11 & 12 of POCSO Act r/w Section 4 of TN Prohibition of Harassment of Women Act, in Crime No.55 of 2025, on the file of the respondent Police, seeks anticipatory bail.



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2. The case of the prosecution is that when the de facto complainant and her daughter, aged about 9 years, were walking together on road, the petitioner/accused signalled to them inappropriately by winking with an intention to cause harassment to both of them.

3. Learned counsel appearing for the petitioner submitted that the petitioner is innocent; that the allegations against him are false; that he has been falsely implicated in this case since he had lodged a complaint against the de facto complainant's relative for the offence under SC/ST Act and prayed for anticipatory bail for the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and produced the statement recorded from the minor victim girl under Section 183(3) of BNSS.

5. Heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) appearing for the respondent police and perused the materials available on record including the statement recorded from the victim girl under Section 183(3) of BNSS.



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6. Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsel on either side and since, custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate, Gudiyatham**, on condition that the petitioner shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) with two sureties each** for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 as and when required for interrogation;



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[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

[d] the petitioner shall not abscond 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.

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To

1. The Inspector Of Police,
Pernambut Police Station, Vellore District.
2. The Judicial Magistrate, Gudiyatham.

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