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Crl.O.P.No.6301 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.6301 of 2025

Hariprakash

...Petitioner/Accused 1

Vs.

State rep by
The Inspector of Police,
AWPS Salem Town Police Station,
Salem District.

(Crime No.07 of 2025)

... Respondent

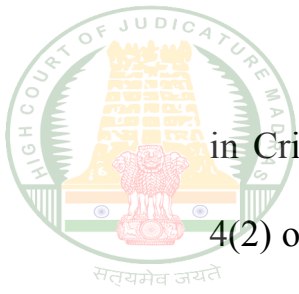
PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.07 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.C.Deepakkumar

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 27.01.2025, seeking bail



in Crime No.07 of 2025 registered for the offence under Section 3(a) r/w 4(2) of POCSO Act, 2012.

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2.It is the case of the prosecution that the petitioner and the victim had a love affair; that on 26.01.2025, the petitioner had taken the victim girl to his friend's mechanic shop and forcibly had sexual intercourse and thus committed the aforesaid offences.

3.The learned counsel for the petitioner would submit that admittedly the petitioner and the victim girl had a love affair; the allegations of forcible sexual intercourse is false and that in any case, considering the period of incarceration and the fact that the final report has been filed, further custody of the petitioner is not required and sought for bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and confirmed the fact that the petitioner and the victim had a love affair, the petitioner had forcible sexual intercourse with the victim girl aged 13 years; that the complaint was immediately lodged and there were injuries on the victim girl. He also produced a copy of the statement of the victim recorded under Section 183 of BNSS, 2023.



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5.A perusal of the statement of the victim recorded under Section 183 of BNSS, 2023, suggests that the petitioner and the victim girl had a love affair. The statement confirms the prosecution case that the petitioner had sexual intercourse with the victim girl. However, considering the aforesaid facts, the fact that the final report has been filed, the period of incarceration, this Court is of the view that further custody of the petitioner is not required. Hence, this Court is inclined to grant bail to the petitioner with certain conditions:

6.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 learned **Sessions Judge, Principal POCSO Court, Salem**, 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 stay at Chennai and report before the
Inspector of Police, Flower Bazaar Police Station, Chennai, everyday at
10.30 a.m., until further orders;

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

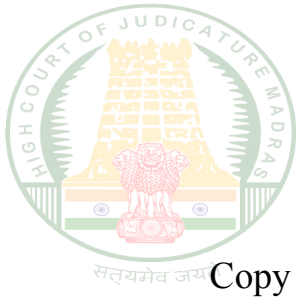
[d] the petitioner shall not tamper with evidence or witness either
during investigation or trial;

[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.

03.04.2025

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- 1.The Inspector of Police,
AWPS Salem Town Police Station,
Salem District.
- 2.The Sessions Judge, Principal POCSO Court, Salem.
- 3.Central Prison, Salem.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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