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Crl.O.P.No.6682 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.6682 of 2025

Ibrahim Ali

...Petitioner/Accused

Vs.

Inspector of Police,
W-24, All Women Police Station,
Teynampet, Chennai.
(Crime. No.6 of 2024)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail pending trial in Spl.S.C. No.307 of 2024 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Chennai.

For Petitioner : Mr.M.Murugan

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 27.10.2024, seeking bail in Crime No.6 of 2024 registered for the offence under Sections 11(i) r/w. 12 of POCSO Act.



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2. The case of the prosecution is that on 26.10.2024 at about 9.30 am, when the defacto complainant and the victim girl aged about 9 years were walking on the road, the petitioner pulled the victim and told that he loved her. Hence the case.

3.The learned counsel for the petitioner would submit that the allegations are false and in any case, considering the period of incarceration and the fact that the final report has been filed, he may be released on bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and also filed Section 183 BNSS statement and vehemently opposed for grant of bail to the petitioner.

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.



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6. This Court perused the statement of the victim recorded under Section 183 BNSS Act and the FIR. It is the case of the defacto complainant that the petitioner had called the victim child and told that he loved her. The petitioner is in custody from 27.10.2024 in respect of the aforesaid allegation. The final report has been filed. 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 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, Chennai 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 as and when required;

[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;

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[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.

10.03.2025

rkp

Copy to:

- 1.The Inspector of Police,
W-24, All Women Police Station,
Teynampet, Chennai.
- 2.The Special Judge for Exclusive Trial of Cases under POCSO Act,
Chennai
- 4.Central Prison-I, Puzhal, Chennai.
- 5.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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