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Crl.O.P.No.5860 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.5860 of 2025

Hemamalini

... Petitioner

Vs.

The State Represented by
The Inspector of Police
Ambur AWPS
Tirupattur District.
(Crime No.1 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in Crime No.1 of 2025 on the file of the respondent.

For Petitioner : Mr.U.Gowri Shankar
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 08.02.2025, seeking bail in Crime No.1 of 2025 registered for the offence under Section 49, 75 of BNS, u/s.7, 8, 9(f), 9(o) of the POCSO Act.

2.The case of the prosecution is that the victim girl is a student of a nursing college, that A1 who was working as a Principal had sexually harassed the victim girl and also touched her breast inappropriately, and that when the victim girl had informed the petitioner/teacher, the petitioner/A2 had told her not



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to disclose the same to anyone else.

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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 petitioner is aged about 30 years and is now pregnant, that she is in custody from 20.01.2025 and she 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 (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case. The learned Government Advocate also produced the copy of statement of the victim girl recorded u/s183 of BNSS.

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, including the statement recorded u/s.183 of BNSS of the victim girl.

6.Considering the nature of allegations, period of incarceration undergone by the petitioner, the only allegation against the petitioner is that she had asked the victim not to disclose the alleged act of A1 to anyone, present medical condition of the petitioner, and since further custody is not required for the purpose of interrogation, this Court is inclined to grant bail to the petitioner



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with certain conditions.

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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 District and Sessions Court, Thirupattur District, 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 for interrogation;

[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 District and Sessions Court, Thirupattur District

2.The Inspector of Police

Ambur AWPS

Tirupattur District.

3.The Superintendent,

Central Prison for Women, Vellore District.

4.The Public Prosecutor,

High Court of Madras.

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