



Crl.O.P.No.6204 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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RESERVED ON : 24.03.2025

PRONOUNCED ON : 02.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.6204 of 2025

1. Srinivasa Murthy Krishnappa

2. Aishwarya S. Krishna ... Petitioners/Accused

Vs.

State, Rep. by Inspector of Police

AWPS Ooty Town,

Udhagamandalam,

The Nilgiris.

(Crime No.1 of 2025)

... Respondent/complainant

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioners on bail in the event of arrest in connection with the case in Crime No.1 of 2025, pending investigation on the file of the respondent Police.

For Petitioners : Mr.V.Subramanian

For Respondent : Mr.S.Balaji

Government Advocate (Crl.Side)



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For Intervenor : Mrs.T.Kokilavani Ellakkiya

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ORDER

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 7 & 8 of the POCSO Act, 2012 and Section 115(2) of BNS and Section 67A of the Information Technology Act, 2000 in Crime No.1 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners, are the grandfather and aunt of the victim girl aged 16 years; that the grandfather is said to have touched the victim girl inappropriately; that both of them had beaten up the victim girl and had sent certain abusive messages and inappropriate pictures of the victim girl to the friends and relatives from the phone of the first petitioner and thus committed the aforesaid offences.

3. (i) The learned counsel appearing for the petitioners would submit that the alleged occurrences took place in Bangalore; and that no complaint was lodged at Bangalore; that the victim girl, who was studying in Ooty under the care and custody of her father chose to lodge a complaint before the respondent by making false allegations against her



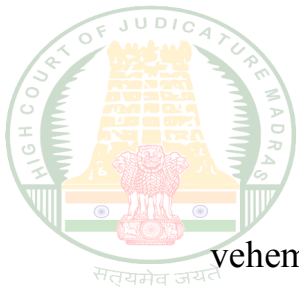
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grandfather and the aunt, who were interested in the welfare of the victim girl.

(ii) The learned counsel further pointed out the messages sent by the first petitioner to the grandmother of the victim girl (i.e., father's mother of the victim girl), stating that the victim girl had written a letter to her friend, which was inappropriate besides sending the copy of the letter and had further informed her not to reveal it to anyone and also accused the victim girl's father of bringing up the victim girl like this.

(iii) The learned counsel also submitted that the first petitioner is aged about 70 years and had undergone two surgeries and the 2nd petitioner is a lady aged about 36 years and the aunt of the victim girl have been falsely roped in the case at the instance of the victim girl's father who had matrimonial discord with the victim girl's mother (since deceased), who is the daughter of the first petitioner and a dispute with regard to the custody of the victim with the petitioners. Therefore, he prayed for grant of anticipatory bail to the petitioners.

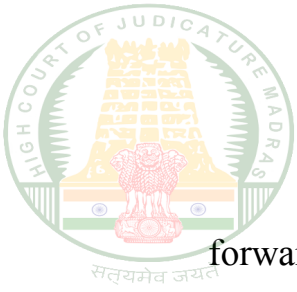
4. (i) The learned counsel for the defacto complainant however,



vehemently opposed the grant of anticipatory bail stating that the first petitioner inappropriately touched the victim girl and also had sent certain inappropriate pictures of the victim girl to his relatives at Udhagamandalam and Bangalore.

(ii). The learned counsel further submitted that considering the harassment and the humiliation faced by the victim girl and since the mobile phone of the victim girl which is in possession of the first petitioner has to be seized, custodial interrogation is necessary and opposed the petition for anticipatory bail.

5. (i) The learned Government Advocate (Crl.Side) appearing for the respondent, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and on instructions submitted that initially a 'Zero' FIR No.1 of 2025 dated 06.01.2025 was registered; that when the Anticipatory bail petition of the petitioners before the Sessions Court was pending the learned Sessions Judge had issued few directions directing the petitioners to appear for enquiry; that while so, the respondent represented to the learned Sessions Judge that since the occurrences took place at Basavangudi, Bangalore, they intend to



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forward the complaint to the said police station; and that hence the learned Sessions Judge dismissed the anticipatory bail petition.

(ii) The learned Government Advocate (Crl.Side) further submitted that thereafter, the victim girl's father had filed WP No.3727 of 2025 before this Court seeking a direction to the respondent to the respondent to investigate the FIR and file a final report; that this Court found that part of the cause of action took place within the jurisdiction of the respondent herein and directed the respondent herein to conduct investigation and held that the learned Sessions Judge, Mahalir Neethi Mandram, Nilgiris, had jurisdiction to try the offence; and hence the investigation is now being conducted by the respondent.

6. This Court has carefully considered the rival submissions and perused the available record.

7. As stated earlier, the petitioners had filed the petition before the Sessions Court for anticipatory bail. On 10.01.2025, the learned Sessions Judge had passed an interim order in Crl.MP.No.44 of 2025, directing the petitioners to appear before the respondent and make



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themselves available for investigation and further directed them to deposit Rs.10 lakhs jointly to the credit of the crime number on or before 20.01.2025 and also granted interim protection against their arrest by the respondent.

8. On 21.01.2025 in Crl.MP.No.59 of 2025, the Sessions Court directed the respondent to seek the assistance of Cyber crime division of Ooty police and to conduct investigation to ascertain whether the pictures were circulated to the relatives of the victim girl at Udthagamandalam and Bangalore and directed them to file a preliminary report.

9. On 27.01.2025, on the representation made by the respondent that they intend to transfer the FIR to the Bangalore police for investigation, since the occurrence took place at Basavangudi, Bangalore City, the trial Court had dismissed the anticipatory bail petition giving liberty to the petitioners to seek remedy before the appropriate forum. As stated earlier, it was pursuant to the directions of this Court in WP No.3727 of 2025, the respondent has now taken up the investigation.

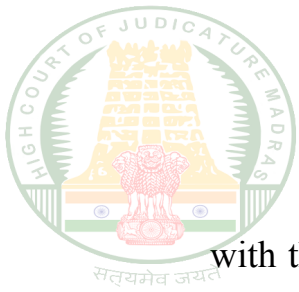
10. From the message which is sent by the first petitioner to the



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grandmother of the victim girl, it is seen that the first petitioner has specifically requested her not to reveal the said message to anyone. He had only complained about the conduct of the victim girl in writing inappropriate and vulgar letters to her friends and reprimanded the conduct of the victim girl. This communication *prima facie* demonstrates that the first petitioner as the grandfather was only interested in the welfare of the victim girl. It is now submitted on behalf of the victim girl that the first petitioner/grandfather had forwarded the inappropriate pictures of the victim girl, which were stored in her mobile phone to the relatives. It is needless to say that if there are any inappropriate pictures of the victim girl that were stored in her phone and sent to the relatives, the respondent shall ensure that the same are deleted, considering the right of the victim girl. The petitioners shall also hand over all the articles belonging to the victim girl, if any, in their possession.

11. It is seen that the petitioners had appeared before the investigation officer regularly when the anticipatory bail petition was pending before the Sessions Court. Therefore, considering the nature of the allegations and the aforesaid facts, the relationship of the petitioners



with the victim girl, this Court is of the view that custodial interrogation of the petitioners is not required and hence, is inclined to grant anticipatory bail to the petitioners with certain conditions.

12. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Sessions Judge, Magalir Neethimandram, The Nilgiris District at Udhagamandalam**, on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each 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 and on further condition that:

[a] the petitioners 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 Petitioners shall report before the



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respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for the purpose of interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

02.04.2025

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SUNDER MOHAN., J.

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To

1. The Sessions Judge,
Magalir Neethimandram,
The Nilgiris District at Udhagamandalam.
2. The Inspector of Police,
AWPS Ooty Town,
Udhagamandalam,
The Nilgiris.
3. The Public Prosecutor,
High Court of Madras.

Pre-delivery order in
Crl.O.P.No.6204 of 2025

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