



Crl.OP.No.6254 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 11.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.6254 of 2025

Jambulingam

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
All Women Police Station, Thirukoilur,
Kallakurichi District.
(Crime No.14 of 2025)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event
of his arrest in Crime No.14 of 2025 on the file of the respondent Police.

For Petitioner : M/s.P.Jayachandran

For Respondent : Mr.S.Santhosh
Government Advocate(Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent
police for the offences punishable under Section 9(m) & 10 of POCSO Act
in Crime No.14 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the

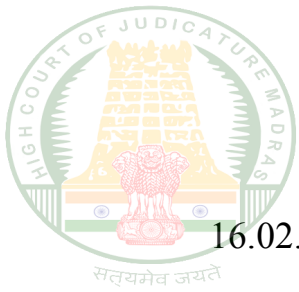


neighbour of the victim girl; that the petitioner inappropriately touched the breast and the private part of the victim and thus, committed the aforesaid offences.

3. The learned counsel appearing for the petitioner submitted that the petitioner is a retired Headmaster and that the allegations are false; that the alleged incident said to have been taken place on 16.02.2025 and the complaint was lodged on 22.02.2025, and that in any case, custodial interrogation is not required and sought for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and submitted that the petitioner has committed grave offence against an 11 year old victim girl and he also produced a copy of the Section 164 Cr.P.C statement of the victim, in which she confirmed the prosecution case.

5. Admittedly, the petitioner, who is about 78 years old, is a retired Headmaster of the School. The petitioner and the victim girl are neighbours. The alleged incident is said to have been taken place on



16.02.2025 and the complaint was lodged on 22.02.2025. The delay, by itself, may not falsify the prosecution case. However, considering the nature of allegations, the age of the petitioner, this Court is of the view that custodial interrogation of the petitioner is not required for the purpose of investigation and is Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **Principal Session Judge (Special Court of POCSO Act case), Kallakurichi**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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



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copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders.

[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.

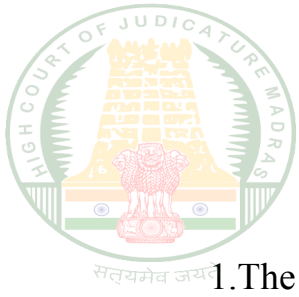
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the Petitioners in accordance with law as if the conditions have been imposed and the Petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

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Index : Yes / No
Internet : Yes / No
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To



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1. The Inspector of Police,
All Women Police Station, Thirukoilur,
Kallakurichi District..
2. The Principal Session Judge
(Special Court of POCSO Act case), Kallakurichi
3. The Public Prosecutor,
Madras High Court,
Chennai.

SUNDER MOHAN , J.

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