



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.6631 of 2025

Nanthakumar

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
Karumalaikoodal Police Station,
Salem District.
(Crime No.57 of 2025)

... Respondent

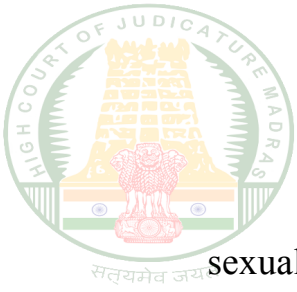
PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.57 of 2025 pending on the file of the respondent.

For Petitioner : Mr.W.Camyles Gandhi

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 09.02.2025, seeking bail in Crime No.57 of 2025 registered for the offence under Sections 332(a) of BNS and 7 r/w 8 of POCSO Act, 2012.



2. The case of the prosecution is that the petitioner had committed sexual assault on the victim child aged about 14 years by touching her breast and other parts inappropriately. Hence the case.

3.The learned counsel for the petitioner would submit that the allegations are false; that the defacto complainant's mother and grandmother had prior enmity with the petitioner, for which, the petitioner has been falsely implicated in this case and further, the learned counsel for the petitioner submitted that though the occurrence took place on 19.01.2025, the complaint was lodged only on 08.02.2025 as an afterthought to arm twist the petitioner and hence, 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.

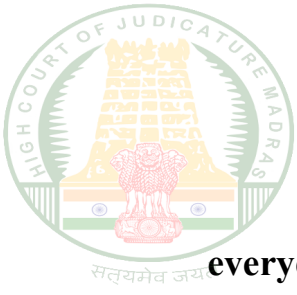


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6. This Court had perused the prosecution statement and the FIR. It is the case of the defacto complainant that the petitioner had hugged the victim and committed sexual assault by touching her inappropriately. It is also seen that there is a prior dispute between the petitioner and the defacto complainant's mother and grandmother. Considering the nature of allegation and the period of incarceration, this Court is of the view that further custody of the petitioner is not required for the purpose of investigation. 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 **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 report before the respondent police everyday at 10.30 a.m., until further orders.

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

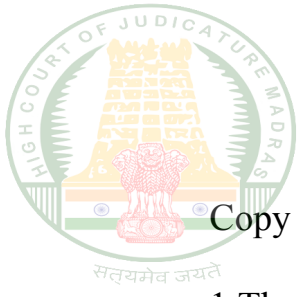
[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[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.

10.03.2025

rkp



Copy to:

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



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SUNDER MOHAN, J.

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