



Crl. O.P. No.6983 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

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Riyaz Khan S/o. Hussain Khan

... Petitioner / Accused

Vs.

The State represented by:

The Inspector of Police,
W3 Egmore All Women Police Station,
Egmore, Chennai.
(Crime No.6 of 2025).

... Respondent

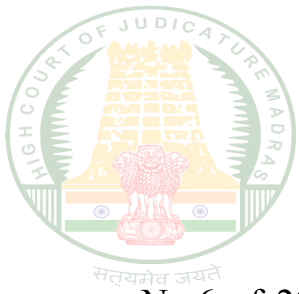
PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.6 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr. M. Hussaini Basha

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 01.02.2025, seeking bail in Crime



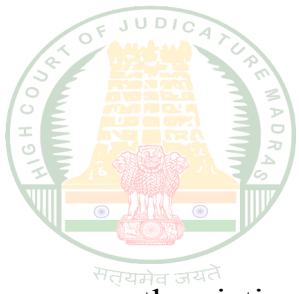
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No.6 of 2025 registered for the offences under Sections 5(1) and 6 of POCSO Act.

2. The case of the prosecution is that the victim boy, aged about 15 years, was working in a tailoring shop of the petitioner; that the petitioner taking advantage of the relationship, had committed penetrative sexual assault on the victim boy by having Anal intercourse on four occasions in a period of 3 months and hence, a complaint was lodged on 01.02.2025.

3. The learned counsel appearing for the petitioner submitted that the allegations against the petitioner are false; that there were dispute between the petitioner and the victim boy's parents and hence a false complaint has been lodged against the petitioner; and that in any case, considering the period of incarceration of the petitioner, further custody of the petitioner is not required and hence prayed for grant of bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and produced the copy of the statement of the victim recorded under Section 183 of B.N.S.S. and also the medical report of



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the victim.

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5. This Court finds that the statement of the victim was recorded by the learned Magistrate concerned and the medical examination report of the victim has also been obtained from the Doctor. It is also seen that investigation is almost completed.

6. Considering the aforesaid facts and 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. However, the petitioner is directed to stay elsewhere until further orders.

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 **II Metropolitan Magistrate Court, Egmore, 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;



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[b] the petitioner shall stay at Trichy and report before the Trichy Cantonment Police Station on every day at 10.30 a.m., until further orders;

[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.

20.03.2025

mjs

To



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1. The II Metropolitan Magistrate Court, Egmore, Chennai
2. The Inspector of Police, W3 Egmore All Women Police Station, Egmore, Chennai.
3. The Superintendent of Police, Central Prison, Puzhal, Chennai.
4. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN., J.

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