



Crl. O.P. No.7022 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

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Visva S/o. Muthuvel

... Petitioner / Accused

Vs.

The State represented by:

The Station House Officer,
Sethiyathope All Women Police Station,
Cuddalore District.
(Crime No.4 of 2025).

... Respondent

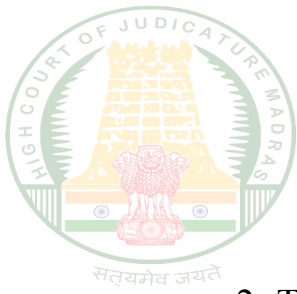
PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.4 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr. G. Nirmal Krishnan

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 14.02.2025, seeking bail in Crime No.4 of 2025 registered for the offences under Sections 11(1) and 12 of POCSO Act and Section 351(2) of B.N.S. 2023.



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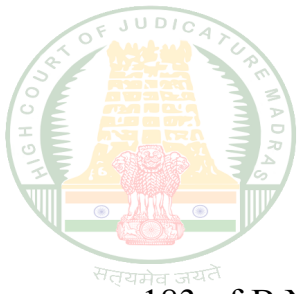
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2. The case of the prosecution is that the petitioner and the victim girl are known to each other; that the petitioner had compelled the victim girl to have a love affair with him; that during the month of November 2024, when the victim girl was talking with the petitioner, the father of the victim girl saw them and reprimanded the victim girl and thereafter, the victim girl stopped talking to the petitioner, in spite of that, the petitioner was trying to talk with the victim girl, who is aged about 13 years.

3. The learned counsel appearing for the petitioner submitted that the allegations against the petitioner are false; that in any case, the allegations against the petitioner do not constitute the offence under Sections 11(1) and 12 of POCSO Act; and that considering the period of incarceration, further custody of the petitioner is not required and 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 183 B.N.S.S. statement of the victim and the FIR.

5. This Court perused the statement of the victim recorded under Section



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183 of B.N.S.S. and the FIR. The only allegation against the petitioner is that he compelled the victim girl to have a love affair with him. Considering the nature of allegations against the petitioner 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.

6. 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 **Special Court for Exclusive trial of cases under the POCSO Act, Cuddalore** 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 appear before the respondent Police daily 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



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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.

12.03.2025

mjs

To

1. The Special Court for Exclusive trial of cases under the POCSO Act, Cuddalore.
2. The Station House Officer, Sethiyathope All Women Police Station, Cuddalore District.
- 3 The Superintendent of Police, Central Prison, Cuddalore.
4. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN., J.

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