



Crl. O.P. No.7024 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

Crl. O.P. No.7024 of 2025

M. Muhammad Bilal

... Petitioner / Accused

Vs.

The State represented by:

The Inspector of Police,
All Women Police Station - Salem Town,
Salem City, Salem 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. S.R. Gerthanaasri

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 14.01.2025, seeking bail in Crime



Crl. O.P. No.7024 of 2025

No.4 of 2025 registered for the offences under Sections 5(1) read with 6 of POCSO Act, Sections 13(b) r/w 14(2) of POCSO Act and Section 66E of IT Act.

2. The case of the prosecution is that the petitioner and the victim girl aged about 17 years and 2 months at the time of occurrence, had a love affair; that on 12.12.2023, the petitioner had forced the victim girl to have sexual intercourse and he had taken intimate photographs and recorded the videos of the victim girl; that thereafter, the petitioner threatened the victim girl that he will upload the photos and videos in the social media and thus, he committed aforesaid offences.

3. The learned counsel appearing for the petitioner submitted that the allegations against the petitioner are false; that the alleged occurrence took place on 12.12.2023; that the instant complaint was lodged on 13.01.2025; that the defacto complainant refused to marry the petitioner and there was some difference of opinion and hence the instant complaint was lodged; and that in any case, considering the period of incarceration, further custody of the petitioner is not required and prayed for grant of bail.

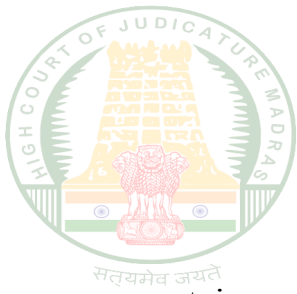
4. Learned Government Advocate (Crl.Side) appearing for the respondent



Crl. O.P. No.7024 of 2025

police, reiterated the prosecution case and produced the copy of the statement of the victim recorded under Section 164 of Cr.P.C. and the FIR. The learned Government Advocate further submitted that the mobile phone of the petitioner was seized and no pictures and videos were found in the said phone and the victim girl has given a further statement and stated that her earlier statement made before the learned Magistrate under Section 164 of Cr.P.C. is not true and she had lodged the complaint only because the petitioner refused to marry her.

5. This Court perused the statement of the victim recorded under Section 183 of B.N.S.S. and the FIR. Admittedly, the petitioner and the victim had a love affair. The alleged occurrence is said to have taken place on 12.12.2023 and the complaint was lodged only in the year January 2025. The learned Government Advocate (Criminal side) confirmed that the petitioner has not shared any pictures or videos of the victim to any third person. Further, the victim herself had stated that she had given the complaint only because the petitioner refused to marry her. Therefore, considering the aforesaid facts and circumstances, 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



Crl. O.P. No.7024 of 2025

certain conditions.

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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 **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 appear before the respondent Police twice a week i.e., on Monday and Thursday 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



Crl. O.P. No.7024 of 2025

WEB COPY

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 Sessions Judge, Principal POCSO Court, Salem.
2. The Inspector of Police, All Women Police Station - Salem Town, Salem City, Salem District.
- 3 The Superintendent of Police, Central Prison, Salem.
4. The Public Prosecutor, High Court of Madras.



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Crl. O.P. No.7024 of 2025

SUNDER MOHAN., J.

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Crl.O.P.No.7024 of 2025

12.03.2025