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CrI.OP.No.7493 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.OP.No.7493 of 2025

1. Annamalai

2. Ganesan ... Petitioner(s) /Accused

Vs.

The State rep. by
The Station House Officer,
Ulundurpet – All Women Police Station,
Ulundurpet,
Kallakurichi District. ... Respondent(s)/ Complainant
Crime No.5 of 2025

Prayer: Criminal Original Petition filed under Section 483 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioners/ A-1 and A-2 on bail in Crime No.5 of 2025 pending on the file of the respondent police.

For petitioner(s) : Mr.Krishnasamy Chinnasamy

For Respondent(s) : Mr.Leonard Arul Joseph Selvam



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Government Advocate (Crl.Side)

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ORDER

This Criminal Original Petition has been filed by the petitioners, who were arrested and remanded to judicial custody on 14.02.2025, seeking bail in Crime No.5 of 2025 registered for the offences under Sections 332(b), 126, 351(1) and 49 of BNS, 2023 r/w Sections 7 and 8 of the POCSO Act.

2. It is the case of the prosecution that the victim girl went to her relative's house on 13.02.2025; that at around 12:30 p.m, the first petitioner/ A1 entered her house by breaking open the roof tiles; that he inappropriately touched the victim girl's breast and hip; that when the victim girl shouted for help and ran out of the house, she saw the second petitioner/ A2 standing outside, waiting for the first petitioner. Hence, the case.

3. The learned counsel for the petitioners would submit that the allegations are false; that, in any case, the allegations are only against the first petitioner, and the second petitioner has no involvement in the alleged offenses; that further custody of the petitioners is not required and prayed



that the petitioners may be released on bail.

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4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of bail to the petitioners, reiterated the prosecution case and, on instructions, submitted that the first petitioner has been detained under the Goondas Act.

5. Considering the aforesaid facts and the fact that the first petitioner has been detained under the Goondas Act, this court is not inclined to grant bail to the first petitioner.

6. Insofar as the second petitioner is concerned, considering the aforesaid facts and the period of incarceration, this Court is of the view that further custody of the second petitioner is not required. Hence, this Court is inclined to grant bail to the second petitioner with certain conditions.

7. Accordingly, the second 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 learned

Principal District Court, Kallakurichi, 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 second petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

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

[d] the second 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 second petitioner in accordance with law as if the conditions have been



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imposed and the second 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.

18.03.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
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To

1. The Station House Officer,
Ulundurpet – All Women Police Station,
Ulundurpet, Kallakurichi District.
2. The Public Prosecutor,
Madras High Court,
Chennai.
3. Learned Principal District Court, Kallakurichi



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4. The Superintendent of Prison,
Central Prison, Cuddalore.

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SUNDER MOHAN, J.

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