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Crl.O.P.No.7161 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.7161 of 2025

Raghavendra

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
Sathiyamangalam All Women Police Station,
Erode District.

(Crime No.27 of 2024)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.27 of 2024 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Mayilnathan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)



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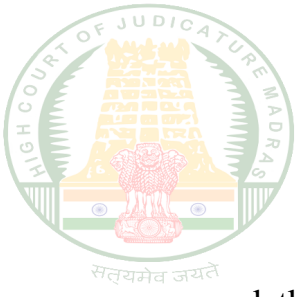
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ORDER

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.27 of 2024 registered for the offence under Sections 11(ii), 12 of POCSO Act and Sections 66(D), 67(B) of IT Act, 2000 and Section 127(2) of BNS, 2023.

2.It is the case of the prosecution that the petitioner had forced the victim girl to remove her dress and send a video; that he also threatened her of dire consequences, if she did not do so; and also stating that if she did not sent the pictures or videos, he would be uploaded her morphed pictures in the social media. Hence, the case.

3.The learned counsel for the petitioner would submit that the allegations are false; that the petitioner is the student studying in an Engineering College and the statement of the defacto complainant that she was called by two ladies, namely A2 and A3, who confined her in a room



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and thereafter forced her to remove her dress and talk to the petitioner in video call, is false and that considering the nature of allegations, period of incarceration and the fact that the mobile phone of the petitioner has been seized, the petitioner may be released on bail.

4.Per contra, the learned Government Advocate (Crl. Side) had produced a copy of the statement of the victim recorded under Section 183 of BNSS and submitted that the investigation revealed that the petitioner has only threatened the defacto complainant to sent nude pictures, failing which he would morph her picture and upload the same in social media. He fairly submitted that the investigation sofar revealed that the allegation of the victim that she was taken to a room by A2 and A3 and made to do a video call has not been substantiated and that no pictures of the victim has been uploaded in social media.

5.Heard the learned counsel on either side and perused the materials available on record.



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6.Considering the submissions made by the learned counsel for the petitioner and the learned Government Advocate and the period of incarceration, the fact that the mobile phone was recovered, 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.

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 learned **Sessions Judge, Mahila Court, Erode**, 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.

27.03.2025

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SUNDER MOHAN, J.

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Copy to:

- 1.The Inspector of Police,
Sathiyamangalam All Women Police Station,
Erode District.
- 2.The Sessions Judge, Mahila Court, Erode.
- 3.Sub Jail, Gobichettipalayam.
- 4.The Public Prosecutor,
High Court, Madras.

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