



Crl.O.P.No.8038 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.8038 of 2025

Saravanan

...Petitioner/Accused 1

Vs.

State rep by
The Inspector of Police,
Gingee Police Station,
Villupuram District.

(Crime No.79 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.79 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.V.R.Appaswamee

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



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ORDER

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This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 11.02.2025, seeking bail in Crime No.79 of 2025 registered for the offence under Sections 296(b), 75(1)(i), 75(2), 78(2), 351(3) and 108 of BNS, 2023 and Section 4-B(2) of TNPHW Act r/w Section 10 of POCSO Act, 2012.

2.It is the case of the prosecution that the defacto complainant is the mother of the deceased aged 13 years; that while the defacto complainant's daughter was going to school, the petitioner had threatened her, abused her and tortured her to have love affair; that on the date of occurrence, the petitioner had pulled her hand; that the parents of the deceased informed the same to the parents of the accused; on that day, A2, who is the sister of the petitioner had abused the defacto complainant's daughter, as a result of which she committed suicide by hanging. Hence the case.

3.The learned counsel for the petitioner would submit that the



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petitioner is innocent; that both the petitioner and the victim girl had love affair; that the petitioner is in custody from 11.02.2025 and that in any case, considering the period of incarceration, further custody of the petitioner is not required and sought for bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and opposed for the grant of bail.

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

6.Considering the nature of allegations and the 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.

7.Accordingly, the petitioner is ordered to be released on bail on his



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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, Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram**, 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 stay at Madurai and report before the Inspector of Police, Thallakulam Police Station, Madurai, everyday 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***



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[(2005)AIR SCW 5560];

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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

26.03.2025

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Copy to:

- 1.The Inspector of Police,
Gingee Police Station,
Villupuram District.
- 2.The Sessions Judge, Special Court for Exclusive Trial of Cases under
POCSO Act, Villupuram.
- 3.District Jail, Villupuram.
- 4.The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.



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