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CrI.OP.No.8347 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.OP.No.8347 of 2025

1. Rajesh Muthu

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

Vs.

The State represented by
The Inspector of Police,
AWPS-Virugambakkam Police Station,
Koyambedu, Chennai. ... Respondent(s)/ Complainant
Crime No.3 of 2025

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioners on bail in the event of arrest pending investigation in Crime No.3 of 2025 on the file of the respondent police.

For petitioner(s) : Mr.K.R.Samratt

For Respondent(s) : Mr.S.Santhosh,



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Government Advocate (Crl.Side)

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ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 9(n), 10, 5(n), 6, 18, 14(1) of the Protection of Child from Sexual Offences Act, 2012 and Section 351(2) of BNS, 2023, in Crime No.3 of 2025, seeks anticipatory bail.

2. It is the case of the prosecution that the 1st petitioner / A2 is the son-in-law of the defacto complainant, who married the elder daughter of the defacto complainant; that the 2nd petitioner/A3 is the sister of the 1st petitioner; that the defacto complainant's younger daughter/victim girl had a love affair with one Jaison, who is the first accused in this case; that the defacto complainant therefore sent the victim girl to study in a school attached to a hostel in a different place; that the victim girl even thereafter continued her relationship with the first accused; that she used to borrow the mobile phone of the 2nd petitioner/A3 and send her nude pictures to the first accused; that the 1st petitioner/A2, who came to know of the alleged love affair and the obscene pictures being sent, threatened the victim girl and forced her to have illicit relationship with him; and that the petitioners also



had abetted the first accused in committing the offences under the POCSO

Act.

3. (i) The learned counsel for the petitioners would submit that the allegations are false; that the petitioners have been implicated only because they reprimanded the defacto complainant's daughter for having a relationship with the first accused; and that considering the nature of the allegations, the custodial interrogation is not required and sought for anticipatory bail.

(ii) The learned counsel further submitted that the 1st petitioner/A2 was working in Singapore and since, he had questioned the illicit relationship of his wife and had proof of the same, he has been falsely implicated and that the 2nd petitioner/A3 has no role in the alleged offence.

4. The learned Government Advocate (Crl.Side) reiterated the prosecution case and produced a copy of the statement of the victim recorded under Section 183 of BNSS.



5. This Court has perused the statement of the victim girl.

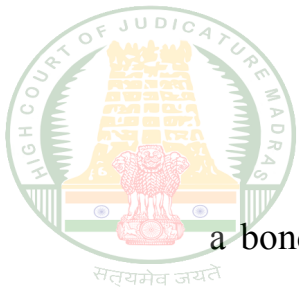
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6. Admittedly, the victim girl had a love affair with the first accused.

It is not the case of the victim girl that the 1st petitioner/A2 had committed penetrative sexual assault with the victim girl. Even according to the victim girl, she had used the mobile phone of the 3rd accused/ 2nd petitioner to send obscene pictures to the first accused. It is now reported that the final report has been filed.

7. Considering the aforesaid facts and since custodial interrogation is not required at this stage, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **Special Court for Exclusive Trial Cases under Protection of Child from Sexual Offences Act cases, Chennai** on condition that the petitioners shall execute



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a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and 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 petitioners shall appear before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond 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



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with law as if the conditions have been imposed and the petitioners 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 BNS.

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

1. The State represented by
The Inspector of Police,
AWPS-Virugambakkam Police Station,
Koyambedu, Chennai.
2. The Public Prosecutor,
Madras High Court,
Chennai.
3. Special Court for Exclusive Trial Cases under
Protection of Child from Sexual Offences Act cases, Chennai.



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SUNDER MOHAN, J.

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