



WEB COPY



CRL O.P. No.8655 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.03.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.8655 of 2025

Ajith S/o. Ammavasai

... Petitioner / Accused

Vs

State rep. by:-

The Sub-Inspector of Police,
Kallakurichi Police Station,
Kallakurichi District.
[Cr. No.173 of 2025]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioner / Accused in Crime No.173 of 2025 on the file of the respondent police.

For Petitioner : Mr. R. Raji

For Respondent : Mr. S. Balaji,
Government Advocate
[Criminal side]

ORDER

The petitioner / Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 'girl missing'



CRL O.P. No.8655 of 2025

WEB COPY

and altered into Sections 3 and 4 of POCSO Act in connection with the case in Crime No.173 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had lured the victim girl and had taken her into a hotel and had committed penetrative sexual assault.

3. Learned counsel for the petitioner would contend that the allegations against the petitioner are false; that complaint was given only on the suspicion and the victim's statement would confirm that the petitioner has not committed any penetrative sexual assault; and that in any case, custodial interrogation of the petitioner is not required and hence prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and produced the copy of the statement of the victim recorded under Section 183 of B.N.S.S. .

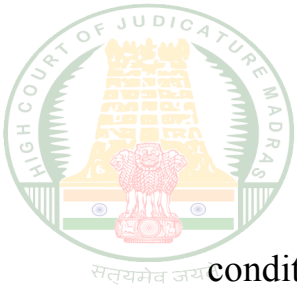


CRL O.P. No.8655 of 2025

WEB COPY

5. This Court perused the statement of the victim and it is clear from the statement that victim has not made any allegation with regard to the penetrative sexual assault. Considering the aforesaid facts, the nature of allegations against the petitioner, considering the age of the petitioner and the victim and since the custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.I, Kallakurichi** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**, with two sureties each 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



CRL O.P. No.8655 of 2025

conditions that:

WEB COPY

[a] the petitioner 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 petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders;

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

[d] the petitioner 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 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]; and



CRL O.P. No.8655 of 2025

[f] If the accused thereafter abscond, a fresh FIR can be registered

WEB COPY

under Section 269 B.N.S.

24.03.2025

mjs

To

- 1.The Judicial Magistrate No.I, Kallakurichi.
2. The Public Prosecutor, High Court, Madras.
- 3.The Sub-Inspector of Police, Kallakurichi Police Station, Kallakurichi District.

SUNDER MOHAN. J.,

mjs

CRL O.P. No.8655 of 2025

5/6



WEB COPY



CRL O.P. No.8655 of 2025

24.03.2025