



Crl.O.P.No.8866 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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RESERVED ON : 28.03.2025

PRONOUNCED ON : 03.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.8866 of 2025

Baskaran ... Petitioner/Accused

Vs.

The State represented by,
The Station House Officer,
All Women Police Station,
Cuddalore, Cuddalore District.
(Crime No.09 of 2025).

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with Crime No.09 of 2025, pending investigation on the file of the respondent police.

For Petitioner : Mr.K.Gandhi Kumar

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

ORDER

This Criminal Original Petition has been filed by the petitioner/Accused, who was arrested and remanded to judicial custody

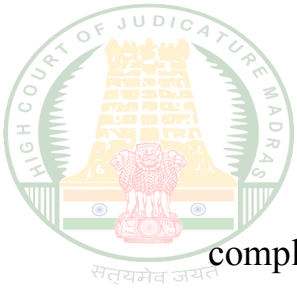


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on 26.02.2025, seeking bail in Crime No.09 of 2025 registered for the offences under Sections 127(2) of BNS Act 2023, [342 of IPC], U/s.11(1) and 12 of POCSO Act, 2012.

2. The case of the prosecution is that the victim and her friend one 'A' studied in the same school; that on 25.02.2025, the said 'A' called the victim girl and told her that they need not go to school and instead go to the shop of the petitioner; that 'A' told her that she used to go to the petitioner's shop often and use his phone for making calls and for other purposes; that both 'A' and victim went to the shop; that the petitioner asked victim and 'A' to go to his room in the first floor; that he prevented them from leaving the room and removed his dress; thereafter, asked 'A' to send the victim in the night and when the parents came in search of her, they abused the petitioner and lodged the complaint.

3. The learned counsel appearing for the petitioner would submit that the allegations are false; that both the victim and her friend came to the shop on their own; that in order to avoid harassment by the parents and the school, for not attending the school they had filed this false



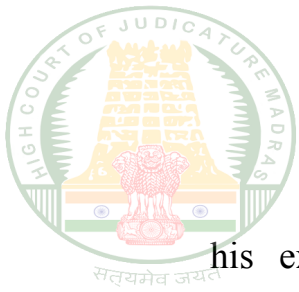
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complaint; and that in any case, further custody of the petitioner is not required and hence, prayed for bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and also produced the copy of Section 183 BNSS Statement of the victim which confirms the prosecution case and opposed the grant of bail.

5. This Court had perused the Section 183 BNSS statement of the victim. Considering that the nature of the allegations and the offences committed under Sections 11 and 12 of the POCSO Act, the period of incarceration, the fact that the statement of the victim has already been recorded under Section 183 of BNSS, this Court is of the view that further custody of the petitioner is not required for the purpose of investigation and is inclined to grant bail with certain condition. However this Court is of the view that the petitioner may be directed to reside elsewhere for some time.

6. 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 **Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore** 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 Tiruchi and report before the Inspector of Police, Tiruchi Cantonment Police Station, daily 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 [(2005)AIR SCW 5560]***;

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



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SUNDER MOHAN., J.

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To

1. The Special Court for Exclusive Trial of Cases under POCSO Act,
Cuddalore.
2. The Station House Officer,
All Women Police Station,
Cuddalore, Cuddalore District.
3. The Inspector of Police,
Tiruchi Contonment Police Station,
Tiruchi.
4. The Superintendent,
Central Prison, Cuddalore.
5. The Public Prosecutor,
High Court of Madras.

Pre-delivery order in
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