



CrI.O.P.No.8906 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

CrI.O.P.No.8906 of 2025

Sivakumar

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
All Women Police Station,
Omalur,
Salem District.

(Crime No.9 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.9 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

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



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ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 06.02.2025, seeking bail in Crime No.9 of 2025 registered for the offence under Section 9(f) r/w 10 of POCSO Act, 2012.

2.It is the case of the prosecution that the petitioner is a PET Teacher in a Government Model School; that the petitioner, while taking photos with the victim, who is the student of the said school, had touched her hip inappropriately; that thereafter, he had shown the photos to the victim girl and pointed out that his hand had touched her hip and laughed. Hence the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent; that the petitioner is in custody from 06.02.2025 and that in any case, considering the period of incarceration, further custody of the petitioner is not required and sought for bail.



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4.Per contra, the learned Government Advocate (CrI. Side) reiterated the prosecution case and produced the statement of the victim recorded under Section 183 of BNSS.

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 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, Principal POCSO Court, Salem**, 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



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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.

[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.

26.03.2025

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Copy to:

1.The Inspector of Police,

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All Women Police Station,
Omalur,
Salem District.

2.The Sessions Judge, Principal POCSO Court, Salem.

3.The Superintendent of Prison,
Central Prison, Salem.

4.The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.

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