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Crl.O.P.No.9171 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.9171 of 2025

Shanmugam

...Petitioner/Accused

Vs.

State rep by

The Inspector of Police,

All Women Police Station,

Tirupathur, Tirupathur District.

(Crime No.4 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.4 of 2025 pending on the file of the respondent.

For Petitioner :

Mr.E.Kannadasan

For Respondent :

Mr.Leonard Arul Joseph Selvam

Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 09.02.2025, seeking bail in Crime No.4 of 2025 registered for the offence under Sections 137(2) of BNS, Section 9(m), 10 of Protection of Children from Sexual Offence Act, 2012.



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2. The case of the prosecution is that the petitioner, who is aged about 79 years, had committed sexual assault on the victim child aged about 9 years by touching her breast and other private parts inappropriately while she was playing near the petitioner's house. Hence the case.

3.The learned counsel for the petitioner would submit that the allegations are false; that the defacto complainant's mother had prior enmity with the petitioner, for which, the petitioner has been falsely implicated in this case and that the petitioner is in custody from 09.02.2025 and hence, he may be released on bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and also produced the Section 183 BNSS statement and which reveals that the petitioner had made inappropriate touches on the victim's breast and other private parts and opposed for grant of bail to the petitioner.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and



perused the materials available on record.

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6. Considering the age of the petitioner, the nature of the 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 **Court of Sessions Division of Tirupattur District** 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 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;

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[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.

27.03.2025

rkp

Copy to:

- 1.The Inspector of Police,
All Women Police Station,
Tirupathur, Tirupathur District.
- 2.The Session Judge, Division of Tirupattur.
- 3.Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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