



Crl.O.P.No.9530 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.9530 of 2025

Mohammed Faizal

... Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
AWPS – Ambattur,
Tiruvallur.

(Crime No.10 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioners on bail in Crime No.10 of 2025 pending investigation on the file of the respondent police.

For Petitioners : Mr.E.Vijaykumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. 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 14.02.2025, seeking bail in Crime No.10 of 2025 registered for the offence under Section 7 r/w 8 of POCSO Act, 2012 and Section 351(3) of BNS, 2023.

2.It is the case of the prosecution that the petitioner is the step-father of the victim girl aged about 16 years; that he had given cool drink which made the victim girl unconscious and thereafter, when the victim girl became conscious, she felt very tired and that when the defacto complainant, the mother of the victim girl questioned, the petitioner gave evasive reasons. Hence, the case.

3.The learned counsel for the petitioner would submit that the allegations are false; that there is a dispute between the petitioner and the defacto complainant; that the victim girl has been used by the defacto complainant to lodge a false complaint; and that in any case, considering the



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nature of allegations, period of incarceration, further custody is not required and sought for bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the petitioner had committed the offence of sexual assault. He also produced a copy of the statement of the victim recorded under Section 183 of BNSS, 2023.

5.This Court had perused the statement of the victim recorded under Section 183 of BNSS, 2023 which does not suggest the commission of the offence of penetrative sexual assault. The petitioner has been charged for the offence under Sections 7 r/w 8 of POCSO Act and admittedly, no alteration report has been filed by the respondents for the offence under Section 5 r/w 6 of the POCSO Act.

6.Considering the aforesaid facts, period of incarceration, this Court is of the view that further custody of the petitioner is not required. Hence, this Court is inclined to grant bail to the petitioner with certain conditions:



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7. Accordingly, the petitioner is ordered to be released on bail on their 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 **learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvallur**, and on further conditions that:

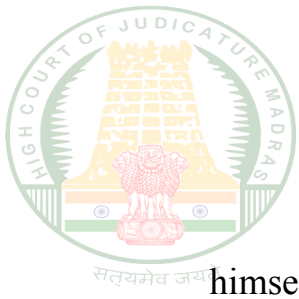
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[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;

[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



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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.

01.04.2025

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Copy to:

- 1.The Inspector of Police,
AWPS – Ambattur,
Tiruvallur.
- 2.The Sessions Judge, Special Court for Exclusive Trial of Cases under
POCSO Act, Tiruvallur.
- 3.Central Prison, Puzhal.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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