



Crl. O.P. No.9795 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.9795 of 2025

Gunaseelan @ Guna

... Petitioner/Accused

Vs.

The State represented by-

The Inspector of Police,
Vellore All Women Police Station,
Vellore District.
(Crime No.4 of 2025)

... Respondent

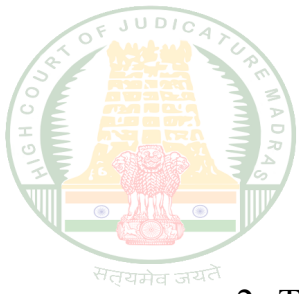
PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.4 of 2025 pending investigation on the file of the respondent Police.

For Petitioner : Mr.G.Nirmal Krishnan

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 11.02.2025, seeking bail in Crime No.04 of 2025 registered for the offence under Sections 75 (1)(ii), 78, 351(2) of BNS and Section 8, 12, 11(4) of POCSO Act, 2012.



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2. The case of the prosecution is that the petitioner aged about 19 years had expressed his love affair for the victim girl aged about 15 years, which was not entertained by the victim girl; that on the date of occurrence i.e., on 20.12.2024, the petitioner in a secluded place pulled the victim girl and kissed her; that thereafter, on 03.02.2025, the mother of the victim girl had questioned the petitioner and his family members, who in turn, abused her in filthy language and thus committed the aforesaid offence.

3. Learned counsel appearing for the petitioner submitted that this is a case of love affair; that in any case, considering the nature of allegation and the age of the petitioner and the victim girl; that the petitioner is in judicial custody from 11.02.2025 and since further custody of the petitioner is not required and he may be released on bail.

4. Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and vehemently opposed for grant of bail to the petitioner and further submitted a copy of 183 BNS statement of the victim which confirms the prosecution case.



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5. Considering the nature of allegation against the petitioner and that the age of the petitioner and the victim girl 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:

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 learned **Special Court for Exclusive Trial of Cases under POCSO Act, Vellore.**

[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 appear 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



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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.

02.04.2025

rkp

To

- 1.The Special Judge for Exclusive Trial of Cases under POCSO Act, Vellore.
- 2.The Inspector of Police,
Vellore All Women Police Station,
Vellore District.
3. The Superintendent,Central Prison, Vellore.
4. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN., J.

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