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Crl.O.P.No.10234 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.10234 of 2025

C.Sanjaikumar

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
W-25, All Women Police Station,
T.Nagar, Chennai – 600 017.

(Crime No.2 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.2 of 2025 pending on the file of the respondent.

For Petitioner : Mr.S.Petchimuthukumar

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 14.02.2025, seeking bail



in Crime No.2 of 2025 registered for the offence under Sections 5(1), 6 of Protection of Children from Sexual Offences Act, 2012.

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2. The case of the prosecution is that the petitioner, aged about 22 years and the victim girl, aged about 16 years had a love affair; that on the promise of marriage, the petitioner had sexual intercourse with the victim girl on several occasions; that the petitioner thereafter, abandoned the victim girl and had relationship with another girl and thus committed the aforesaid offence.

3.The learned counsel for the petitioner would submit that the allegations against the petitioner are false and that in any case, considering the period of incarceration, he may be released on bail.

4.Per contra, the learned Government Advocate (CrI. Side) reiterated the prosecution case and opposed for grant of bail to the petitioner and confirmed the fact that the petitioner and the victim girl had love affair and also produced a copy of Section 183 (5) BNSS statement, which confirms the prosecution case.



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5. This Court perused the Section 183(5) BNSS statement of the victim girl and the statement reveals that the petitioner and the victim girl had a love affair and there was a break-up later. The victim girl being a minor, the act of the petitioner may not be justified. However, considering the nature of allegations against the petitioner 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 Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act at Chennai 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 daily at 10.30 a.m. until further orders;



[c] the petitioner shall not abscond either during investigation or trial;

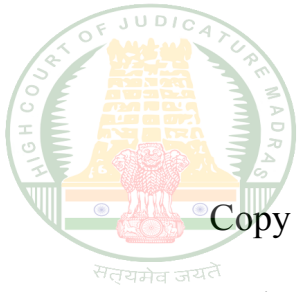
[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[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.

07.04.2025

rkp



Copy to:

- 1.The Inspector of Police,
W-25, All Women Police Station,
T.Nagar, Chennai – 600 017.
- 2.The Sessions Judge,
Special Court for Exclusive Trial of Cases under
POCSO Act at Chennai.
3. The Superintendent, Central Prison, Puzhal.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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