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Crl.O.P.No.10378 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.10378 of 2025

Narayanasamy

...Petitioner/Accused

Vs.

1.State rep by

The Inspector of Police,
All Women Police Station,
Udumalpet Police Station,
Tiruppur District.
(Crime No.9 of 2025)

2.Sasikala

... Respondents

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 on the file of the respondent.

For Petitioner : Mr.Navin Suresh

For Respondents : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)
for R1



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ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 15.02.2025, seeking bail in Crime No.9 of 2025 registered for the offence under Sections 332(c), 351(2) of BNS and 11(1), 11(4), 12, 7 & 8 of POCSO Act.

2. The case of the prosecution is that the petitioner aged about 35 years and the victim girl aged about 15 years are neighbours; that the petitioner trespassed into the house of the victim girl and inappropriately touched her breast and kissed her lips and cheeks; that thereafter, because of the humiliation, the victim girl attempted to commit suicide by consuming ant killing chalk piece and thus committed the aforesaid offences.

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

4.Per contra, the learned Government Advocate (CrI. Side) appearing



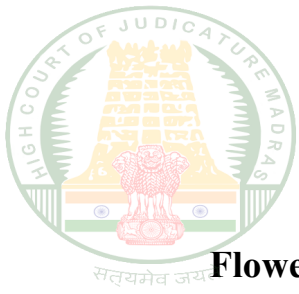
for the first respondent reiterated the prosecution case and opposed for grant of bail to the petitioner and submitted that the final report has been filed and produced a copy of Section 185(3) BNSS statement.

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5. Considering the nature of allegation and the period of incarceration and the fact that the final report has been filed, 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, Mahalir Neethimandram (FTMC), Tiruppur (FAC)** 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 stay at Chennai and report before the Flower Bazaar Police Station 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.

07.04.2025

rkp



Copy to:

1. The Inspector of Police,
All Women Police Station,
Udumalpet Police Station,
Tiruppur District.
2. The Sessions Judge, Mahalir Neethimandram (FTMC),
Tiruppur (FAC)
3. The Inspector of Police,
Flower Bazaar Police Station,
Chennai.
4. The Superintendent, District Prison, Tiruppur.
5. The Public Prosecutor,
Madras High Court, Madras.



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SUNDER MOHAN, J.

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