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CrI.O.P.No.10654 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 09.04.2025

PRONOUNCED ON : 16.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.10654 of 2025

Dinesh @ Dinesh Prabakaran ... Petitioner/A1

Vs.

State rep. By
The Inspector of Police,
All Women Police Station,
Arakkonam,
Ranipet District. ... Respondent/Complainant
[Cr.No.5 of 2025]

PRAYER: Criminal Original Petition filed under Section 483 of BNSS,
pleased to enlarge the petitioner on bail, in connection with Cr.No.5 of
2025 on the file of the respondent.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner/A1,
who was arrested and remanded to judicial custody on 23.01.2025



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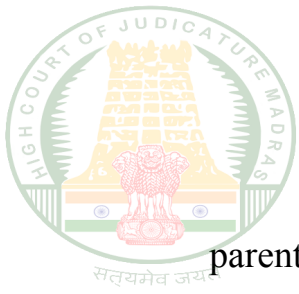
seeking bail in Cr.No.5 of 2025, registered for the offence

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under Sections 137(ii), 296(b), 115(2), 49 of BNS and 5(l), 6 of POCSO Act [363, 294(b), 323 and 109 IPC].

2. The case of the prosecution is that the petitioner and the minor daughter of the defacto complainant, aged about 14 years, who is the victim girl, belong to the same village; that on the date of occurrence i.e., on 11.01.2025, the petitioner called the victim girl to a secluded place and committed penetrative sexual assault; that when the victim girl's uncle and aunt came in search of the victim girl, he took her to another secluded place and committed penetrative sexual assault once again; that thereafter, he had dropped the victim girl on the main road; and that on the information given by the victim girl, a complaint was lodged.

3. The learned counsel appearing for the petitioner/A1 would submit that the allegations are false; that the petitioner's parents were also arraigned as accused; that the victim girl and the petitioner were known to each other; that since there were certain disputes between the



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parents of the victim and the petitioner's parents, a false complaint has been lodged; and that in any case, considering the period of incarceration, his further custody is not required for the purpose of investigation and sought for bail.

4. The learned Government Advocate (Crl.Side) while opposing the grant of bail to the petitioner, reiterated the prosecution case and submitted that it is not a case of love affair; that the petitioner is aged about 25 years and the victim girl is aged about 14 years; that the statement of the victim girl recorded under Section 183(5) of BNSS confirms that the petitioner had committed the aforesaid offences and produced the copy of the said statement.

5. This Court had perused the victim's statement which was recorded on 17.02.2025.

6. The petitioner is in custody from 23.01.2025. Considering the allegations against the petitioner, the period of incarceration, the fact that the investigation is at the fag end and the victim girl's statement has been



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recorded, this Court is of the view that further custody of the petitioner is not required for the purpose of investigation and is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 Principal Sessions Judge, Court of Sessions Division of Ranipet District**, and on further conditions that:-

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(b) the petitioner shall stay at Trichy and report before the Trichy Cantonment Police Station, daily at 10.30 a.m., until further orders;

(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond either during



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investigation or trial;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial 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]***;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC; and

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SUNDER MOHAN., J.

ars

To

1.The Principal Sessions Judge,
Court of Sessions Division of Ranipet District.

2.The Inspector of Police,
All Women Police Station,
Arakkonam,
Ranipet District.

3.The Superintendent of Prison,
Central Prison, Vellore.

4.The Public Prosecutor,
High Court, Madras.

5. The Inspector of Police,
Trichy Contonment Police Station,
Trichy.

Pre-delivery order
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