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Crl.O.P.No.10578 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.10578 of 2025

Arun Prassana

...Petitioner/2nd Accused

Vs.

State rep by
The Inspector of Police,
All Women Police Station,
Sooramangalam,
Salem City, Salem District.

(Crime No.8 of 2025)

... Respondent

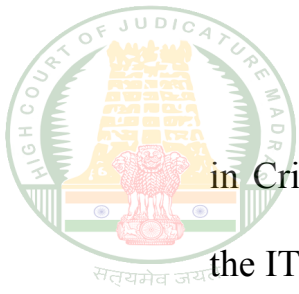
PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.8 of 2025 pending on the file of the respondent.

For Petitioner : Mr.P.Kalimuthu

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 07.03.2025, seeking bail



in Crime No.8 of 2025 registered for the offence under Sections 67(B) of the IT (amended) Act, 2008 and 7 r/w 8 of the POCSO Act, 2012.

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2. The case of the prosecution is that the petitioner is the friend of the first accused; that on 28.02.2025, the first accused had followed the victim girl aged about 15 years and forcibly hugged and kissed her lips and thereafter, fled away from the scene of occurrence; that the petitioner had taken video of the said occurrence and sent the same to the victim's relative and thus, committed the aforesaid offences.

3.The learned counsel for the petitioner would submit that the allegations are false and he sought to be implicated only because, he is the friend of the first accused and at the time of arrest, the mobile phone was seized 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 submitted that when the petitioner was arrested, his mobile phone was



seized and found that the pictures have not been sent to anybody so far.

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5. 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, POCSO Court, Salem** 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;



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[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.

08.04.2025

rkp
Copy to:

- 1.The Inspector of Police,
All Women Police Station,
Sooramangalam,
Salem City, Salem District.
- 2.The Sessions Judge, POCSO Court, Salem.
3. The Superintendent, Central Jail, Salem.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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