



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.10579 of 2025

A.Vinothkumar

...Petitioner/Sole Accused

Vs.

State rep by
The Inspector of Police,
Papparappatti Police Station,
Dharmapuri District.
(Crime No.52 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.52 of 2025 pending on the file of the respondent.

For Petitioner	:	Mr.J.Bharathi Raja
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 10.03.2025, seeking bail in Crime No.52 of 2025 registered for the offence under Sections 137(2), 87 of BNS, 2023 and 7 & 8 of POCSO (Amendment) Act, 2019.



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2. The case of the prosecution is that the petitioner, aged about 23 years and the victim girl, aged about 16 had a love affair; that on the date of occurrence i.e., on 07.03.2025, the victim girl went along with the petitioner and on the promise of marriage, the petitioner hugged and kissed the victim girl and thus committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that admittedly, it is a case of love affair; that the victim girl on her own volition went along with the petitioner and 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 (Crl. Side) reiterated the prosecution case and opposed for grant of bail to the petitioner and confirmed the fact that it is a case of love affair.

5. Considering the nature of allegations against the petitioner and the period of incarceration and the aforesaid facts, 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:

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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 Special Court for Exclusive Trial of Cases under POCSO Act, Dharmapuri 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 Trichy and report before the Cantonment Police Station, Trichy 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.

15.04.2025

rkp

Copy to:

1. The Inspector of Police,
Papparappatti Police Station,
Dharmapuri District.
2. The Inspector of Police,
Cantonment Police Station, Trichy.
3. The Special Court for Exclusive Trial of Cases under POCSO Act,
Dharmapuri
4. The Superintendent, District Jail, Dharmapuri.
5. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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