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Crl.O.P.No.13367 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.13367 of 2025

Thanikachalam

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Katpadi, Vellore District.
(Crime No.28 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.28
of 2024 on the file of the respondent Police.

For Petitioner : Mr.G.Vinodhkumar

For Respondent : Mr.R.Vinothraja
Government Advocate (Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on
24.12.2024 for the offences under Sections 3(1), 4(1), 5(1)(a), 6(1)(a) of ITP Act,
Sections 17, 5(i)(ii), 5(l), 6 of POCSO Act, 2012 and Sections 143, 49, 64(2)(m),
96 of BNS, in Crime No.28 of 2024, on the file of the respondent Police, seeks
bail.



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2. The case of the prosecution is that the accused had forced the minor victim girl to indulge in prostitution and were living off the income derived from it. The victim became pregnant and delivered a baby on 16.12.2024. When the victim came for medical check up, the activities of the accused and the age of the victim came to light. Thereafter, based on the information given by the Child Welfare Committee, the respondent came to know about the illegal activities of the accused. Hence the case.

3. The contention of the learned counsel appearing for the petitioner is that the petitioner/A2, who was arrested on 24.12.2024, is innocent and has been falsely implicated in this case. He further submitted that the petitioner is the friend of A1 and other than that the petitioner had nothing to do with the alleged offence. He also submitted that the main accused in this case has been released on bail by the Court below in Crl.M.P.No.431 of 2025 dated 30.06.2025. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this court. Hence he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that the petitioner/A2, who is the friend of A1, had also assisted the first accused. He also submitted that the investigation in this case has been completed and the charge



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sheet has also been filed, which was taken up in Spl.S.C.76 of 2024. Hence, he opposed for granting bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, the submissions made by the learned counsel appearing on either side and taking note of the fact that the charge sheet has been filed in this case and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Special Judge for Exclusive trial of Cases under POCSO Act, Vellore**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall appear before the trial Court on all hearing dates, without fail;



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[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate / Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by the Magistrate / Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. The Special Judge for Exclusive trial of Cases under POCSO Act, Vellore.
2. The Inspector of Police,
All Women Police Station,
Katpadi, Vellore District.
3. The Superintendent, Central Prison, Vellore.
4. The Public Prosecutor, High Court of Madras.



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M.NIRMAL KUMAR, J.

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