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CrI.O.P.No.10928 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.O.P.No.10928 of 2025

Dharun

...Petitioner/Accused

Vs.

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

(Crime No.4 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.4 of 2025 dated 18.03.2025 pending on the file of the respondent.

For Petitioner : Mr.N.Krishnamoorthy

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 19.03.2025, seeking bail



in Crime No.04 of 2025 registered for the offence under Sections 9(m) r/w
10 of POCSO Act, 2012.

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2. The case of the prosecution is that the petitioner, aged about 20 years and the victim girl, aged about 6 years are neighbours; that on the date of occurrence, the petitioner had inappropriately touched the private part of the victim girl and thus, committed the aforesaid offences.

3.The learned counsel for the petitioner would submit that the allegations against the petitioner are false; that the petitioner is sought to be implicated as an accused due to previous enmity between the petitioner's family and victim girl's family 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 the grant of bail to the petitioner and submitted a copy of Section 183 BNSS statement of the victim girl.



5. The perusal of Section 183 BNSS statement would suggest that the petitioner had inappropriately touched the private part of the victim girl.

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, Principal 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 everyday at 10.30 a.m. until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



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[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

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Copy to:

1. The Inspector of Police,
All Women Police Station,
Mettur, Salem District.
2. The Sessions Judge,
Principal 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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