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CRL O.P. No.11028 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.04.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.11028 of 2025

Moorthy @ Ramamoorthi S/o.Govindaraj ... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
All Women Police Station,
Thirupathur,
Thirupathur District.
[Cr. No.6 of 2025]

... Respondent

PRAYER: - Criminal Original Petition filed under Section 483 of BNSS,

pleased to enlarge the petitioner on bail, in connection with the Crime

No.6 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr.E. Kannadasan

For Respondent : Mr. Leonard Arul Joseph Selvam,
Government Advocate
[Criminal side]

ORDER

This Criminal Original Petition has been filed by the



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petitioner/accused, who was arrested and remanded to judicial custody on 23.02.2025, seeking bail in Crime No.6 of 2025 registered for the offences under Sections 65(1) of B.N.S. read with Section 5(n), 5(j)(ii) and 6 of Protection of Children from Sexual Offence Act, 2012.

2. The case of the prosecution is that on 13.01.2025, when the victim girl, born on 01.07.2009, was alone, the petitioner had forcible sexual intercourse with the victim; that thereafter, the victim did not disclose about the said fact to anyone; that she revealed about the occurrence to her mother when she had a stomach ache; and that FIR was registered based on the complaint given by the mother of the victim. Hence the case.

3. Learned counsel for the petitioner would contend that the allegations against the petitioner are false; that in any case, the allegations in the FIR reveal a consensual relationship between the petitioner and the victim; that the petitioner is in judicial custody from 23.02.2025; that since the statement of the victim was recorded, further



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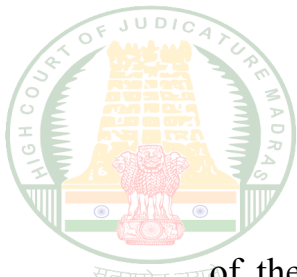
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custody of the petitioner is not required and prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side), on instructions, while opposing the grant of bail to the petitioner, reiterated the prosecution case and on instructions, confirmed that the statement of the victim was recorded, in which, the victim girl had stated that she did not remember as to who has committed the offence and submitted that the petitioner is a close relative of the victim girl.

5. Considering the aforesaid facts, nature of allegations, submissions made by the learned counsels on either side, the fact that the statement of the victim was recorded and since, further custody of the petitioner is not required for the purpose of investigation, 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



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of the **Sessions Court, Tirupathur District** and on further conditions
that:

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[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 appear before the respondent police everyday 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*



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Kerala [(2005)AIR SCW 5560];

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

24.04.2025

mjs

To

1. The Sessions Court, Tirupathur District.
2. The Inspector of Police, All Women Police Station, Thirupathur, Thirupathur District.
3. The Superintendent of Police, Central Prison, Vellore.
4. The Public Prosecutor, High Court of Madras.

SUNDER MOHAN. J.,

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