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CrI.O.P.No.13997 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 25.06.2025
PRONOUNCED ON : 11.07.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.13997 of 2025

M.Vinod Kumar

... Petitioner

Vs.

State by
The Inspector of Police,
AWPS R.A. Puram Police Station,
Chennai.
(Crime No.2 of 2025)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 483 of BNSS, to enlarge the petitioner on bail in Crime No.2 of 2025 completed investigation on the file of the respondent police.

For Petitioner : Mr.Nithyaesh Natraj

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



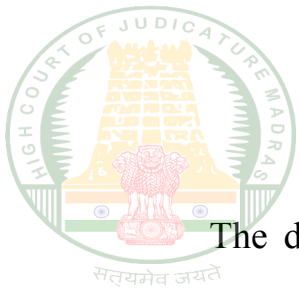
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ORDER

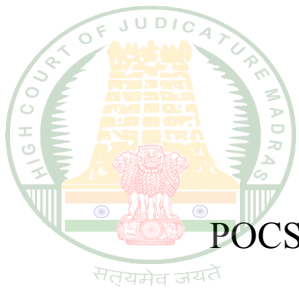
The petitioner, arrested and remanded to judicial custody on 15.01.2025, for the offence punishable under Sections 5(l), (m), (n), 6, 11(1), 12, 14(1), (2) of Protection of Child from Sexual Offences Act (POCSO Act) and Sections 67(B), (b), (e) of Information Technology Act, 2000 [IT Act] in connection with Crime No.2 of 2025 on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 14.01.2025, the defacto complainant lodged a complaint on seeing child pornographic photos and videos in the Vivo mobile phone, sold by one Selvam claiming mobile phone belongs to Driver Rajaguru and for urgent needs, the said Rajaguru intends to sell the mobile phone at a lesser rate of Rs.1,500/-. The defacto complainant became doubtful and to verify the claim of Selvam, he contacted the last called Number 7358357778. The person attended the phone call answered he is Rajaguru, the mobile phone belongs to his wife Nithya and confirmed for his requirement, he is selling the mobile phone.



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The defacto complainant paid Rs.1,500/- to Selvam and after getting the password, he unlocked the mobile to delete the gallery photos, he found several obscene videos and photographs of 3 or 4 children aged about 10 to 15 years and saw a 35 year old man indulging in sexual act. At that time, A1 came there, introduced himself and informed that he wanted to remove the sim card and delete the photos and videos from the gallery. Earlier, defacto complainant informed All Women Police Station, Kotturpuram about the photos and videos, who came there, picked up A1 and the phone, registered a case in Crime No.2 of 2025 for offence under Sections 5(l), (m), (n), 6, 11(1) r/w. 12, 14(1), (2) of POCSO Act and Sections 67(B), (b), (e) of IT Act. Thereafter on the orders of the Commissioner of Police, the case was transferred to the Assistant Commissioner of Police, Central Crime Branch/ on completion of investigation, charge sheet filed before the POCSO Court. Prior to it, sections were altered on 16.01.2025 to Sections 5(l), (m), (n) r/w. 6, 11(1) r/w. 12, 14(1), (2) (3) r/w. 15, 16 r/w. 17 of POCSO Act and Section 67(B), (b), (e) of IT Act. Again sections altered on 06.04.2025 to Sections 11(i) (ii) r/w. 12, 12 r/w. 17, 6(1) r/w. 17, 12 r/w. 17, 11(v) r/w. 12, 14(1), (2), 15(1), 15(2), 15(3), 5(l) r/w. 6(1), 5(m) r/w. 6(1) of



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POCSO Act and Sections 67A, 67-B(a), 67-B(b), 67-B(c), 67-B(e), 66-E of

IT Act. In the charge sheet, four persons shown as accused, namely, A1/Rajaguru, A2/Nithya, A3/petitioner and A4/Naveen and case taken on file in Spl.S.C.No.154 of 2025 on 20.05.2025, now pending trial.

3.The contention of the learned counsel for the petitioner is that the petitioner is charged for abetment in this case. The petitioner does not know any of the accused in this case. It is projected that A4 is known to the petitioner and through him, A1 and A2 came in contact with the petitioner. The petitioner shown his interest to view pornographic pictures and videos of minor girls and informed pictures can be uploaded in youtube and will be paid. The petitioner abetted A1 and A2 for taking these pictures and videos. In this case, there is no iota of evidence to prove that any of the pictures or videos uploaded in youtube social media or any porn site. The petitioner arrested purely on the confession of the co-accused. After the arrest of the petitioner, his mobile phone seized. He would submit that investigation completed and charge sheet filed. He would further submit that the petitioner married one Nirmala in the year 2008 and out of their



wedlock, a male child was born to them. The petitioner's wife Nirmala who was working in a private firm developed illicit relationship with her senior colleague in the office which came to the petitioner's knowledge and they were living separately for three years. Thereafter, considering the future of their son, they joined. On 16.07.2022, she left the matrimonial home and became untraceable. The petitioner lodged a complaint for missing of his wife on 18.07.2022 and a case is Crime No.398 of 2022 registered by Selaiyur Police. The petitioner is bringing up his son as a single parent who now completed his 10th Standard and he has to be admitted in a School for 11th standard. The petitioner's aged and widowed mother of 74 years is living with the petitioner with arthritis, she cannot walk by herself, she needs petitioner's assistance for her basic movement. Admittedly petitioner not present when physical act recorded by A1 and A2, the petitioner has got no role in it. He would submit that further detention of the petitioner is not required and it would only amount to pre-trial conviction.

4.The learned Additional Public Prosecutor strongly opposed the contention of the learned counsel for the petitioner and submitted that in



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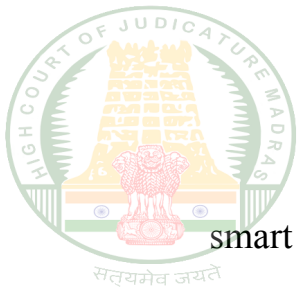
this case, A1 and A2 are husband and wife, A3 is known to A4, who is a friend of A2. The petitioner/A3, having a pervert mind approached A4 informed, he is interested in viewing pornographic pictures and videos of young children which can be uploaded in youtube and porn sites, good earnings can be made. A4 having a relationship with A2, who was working in a Spa centre, informed A2 about A3 and thereafter, petitioner purchased a smart phone, handed over to A2 through A4, who is residing in a tenement in the 5th floor. The victims Nos.1 and 2 are residing in the 4th floor, who are the friends of A1 and A2 daughter. The victims Nos.1 and 2 used to come to the house of A1 and A2, at that time, A2 convinced them informed that she needs the nude photographs of them with some postures which would be useful for her to get loan from her employer and she will buy food, clothes and other gifts. Initially, the victims Nos.1 and 2, who are sisters resisted, later they agreed. During October 2024, A2 using her Vivo mobile with Phone No.7358357778 captured pictures and recorded videos, forwarded to the petitioner mobile No.7305611305 through Whatsapp. The victim No.3 is residing in a adjacent tiled house who is a friend of victim Nos.1, 2 and victim No.4, daughter of A1 and A2, photographs of victim No.3 captured



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on the same manner. All the victims were friends. Later on the demand of the petitioner, the pornographic action videos were forcibly taken using A1, the husband of A2 whereby A1 making improper touch on the victims and they were forced to indulge in similar acts with A1. These pictures forwarded to the petitioner. On the advise of the petitioner, they used vulgar and obscene words and hence, petitioner is the prime mover behind the entire episode. A2 exploited the poverty situation of Victim Nos.1 to 3, taken nude photographs, recorded pornographic videos and forwarded it to the petitioner, who made payments to A1 and A2 through Gpay regularly on receiving pictures and videos. The petitioner played an active role in the commission of offence. A4 in this case granted bail by this Court on the ground he introduced A3 to A1 and A2, thereafter not involved in any of the other activities. Since the petitioner is fulcrum of the case, granting bail to the petitioner is strongly objected.

5.Considering the submissions made and on perusal of the materials, it is seen that the petitioner contacted A2 through A4. A4 and A2 had some relationship and they were close to each other. The petitioner purchased a



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smart phone, given to A2, who used the phone and took advantage of the poverty of victim Nos.1 to 3, lured them by getting dress, food and paying money. On perusal of the statement of the victims, it is confirmed that the victims are compelled and due to pitiable condition and on the request of A2, friend's mother, they involved in the pornographic act. It is seen that the obscene pictures and videos recorded by A2 forwarded to the petitioner/A3. The digital evidence connects petitioner with the other accused. It is also seen that some payments made by the petitioner through Gpay to A2 periodically. The entire occurrence took place between October 2024 and January 2025. Now investigation completed, charge sheet filed and *Prima facie* material available to proceed with the trial. Hence, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, the Criminal Original Petition stands dismissed.

11.07.2025

Speaking Order/Non Speaking Order

Index : Yes/No

Neutral Citation: Yes/No

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To

- 1.The Inspector of Police,
AWPS R.A. Puram Police Station,
Chennai.
- 2.The Special Public Prosecutor (ED),
Madras High Court.



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M.NIRMAL KUMAR, J.

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Pre-delivery order made in

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