



CRL O.P. No.12830 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 29.04.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

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Abdul Vahab S/o. Abdul Majeed ... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police
Thiruvarur All Women Police Station,
Thiruvarur District. ... Respondent
[Cr. No.10 of 2025]

PRAYER:- Criminal Original Petition filed under Section 483 of BNSS,
pleased to enlarge the petitioner on bail, in connection with the Crime
No.10 of 2025, pending investigation on the file of the respondent
Police.

For Petitioner : Mr. P. Muthamizhselvakumar

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

ORDER



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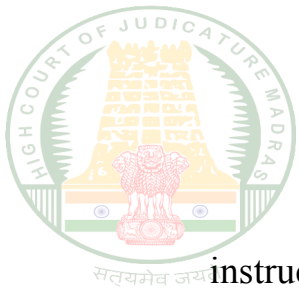
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This Criminal Original Petition has been filed by the petitioner/accused, who was arrested and remanded to judicial custody on 14.03.2025, seeking bail in Crime No.10 of 2025 registered for the offences under Sections 3(b) read with 4, 5(m) read with 6 of POCSO Act, 2012.

2. The case of the prosecution is that the petitioner and the victim girl, who is aged about 7 years, were known to each other; 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. Learned counsel for the petitioner would contend that the allegations against the petitioner are false; that in any case, the allegations do not constitute the offences under Sections 5 and 6 of POCSO Act as there is no allegation of penetrative sexual assault; that considering age of the petitioner and period of incarceration, the petitioner may be released on bail.

4. The learned Government Advocate (Criminal Side), on



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instructions, while opposing the grant of bail to the petitioner, reiterated the prosecution case and produced the copy of the copy of the 183 B.N.S.S. statement of the victim girl.

5. This Court had perused the statement of the victim girl. From the statement of the victim girl, it is seen that the petitioner had inappropriately touched the private part of the victim girl. Considering the nature of allegations, period of incarceration, the age of the petitioner and the victim girl and the stage of investigation, this Court is of the view that further custody of the petitioner is not required for the purpose of investigation. Therefore, 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 **learned Sessions Judge, Fast Track Mahila Court, Thiruvavarur** and on further conditions that:

[a] the sureties shall affix their photographs and



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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 Kerala [(2005)AIR SCW 5560]*;

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

29.04.2025

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SUNDER MOHAN. J.,

mjs

To

1. The Sessions Judge, Fast Track Mahila Court, Thiruvapur .
- 2.The Inspector of Police, Thiruvapur All Women Police Station, Thiruvapur District.
3. The Superintendent of Police, Central Prison, Puzhal.
4. The Public Prosecutor, High Court of Madras.

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