



Crl. O.P. No.11704 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

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Abdhul Wahid S/o. Abdhul Rashid

... Petitioner / 1st Accused

Vs.

The State represented by:

The Inspector of Police,
Gudiyatham Town Police Station,
Vellore District.
(Crime No.22 of 2025).

... Respondent

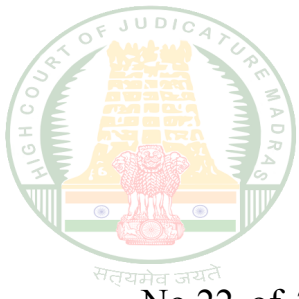
PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.22 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr. T. Saravanan

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 23.01.2025, seeking bail in Crime



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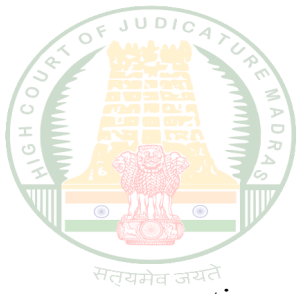
No.22 of 2025 registered for the offences under Section 137(2) of B.N.S. and Sections 3(a), 4, 5(k) and 6 of the POCSO Act, 2012.

2. The case of the prosecution is that the petitioner and the victim were neighbours; that the petitioner had committed aggravated penetrative sexual assault on the victim boy, who is aged 16 years and mentally challenged; and that he also forced the victim to apply his mouth on the private part of the petitioner and thus, committed the aforesaid offences.

3. The learned counsel appearing for the petitioner submitted that the allegations against the petitioner are false; that in any case, considering the period of incarceration and the fact that final report has been filed, further custody of the petitioner is not required and hence prayed for grant of bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and produced the copy of the statement of the victim under Section 183(5) of B.N.S.S.

5. It is seen from the statement that the victim's statement was recorded in



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question and answer format and the victim has stated that the petitioner had committed certain inappropriate act in the mouth of the victim. It is also seen that final report has been filed. Considering the aforesaid facts, nature of allegations against the petitioner, the fact that final report has been filed and considering the period of incarceration, this Court is of the view that further custody of the petitioner is not required. 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 learned **Special Judge for exclusive trial of cases under POCSO Act, Vellore, Vellore District** 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 appear before the trial Court concerned on all hearing dates and further, the petitioner shall stay at Chennai and appear before the Flower Bazaar Police Station on all days, except on hearing dates before



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the trial Court, 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.

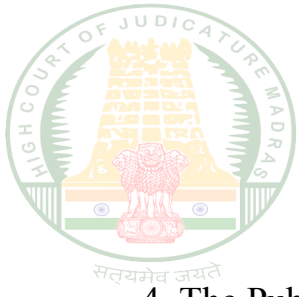
21.04.2025

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To

1. The Special Judge for exclusive trial of cases under POCSO Act, Vellore, Vellore District.
2. The Inspector of Police, Gudiyatham Town Police Station, Vellore District.
3. The Superintendent of Police, Central Prison, Thorapadi, Vellore.

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4. The Public Prosecutor, High Court of Madras.

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SUNDER MOHAN., J.

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