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CRL O.P. No.13112 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.04.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.13112 of 2025

Appu S/o. Vinayagam ... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
Katpadi All Women Police Station,
Vellore District. ... Respondent
[Cr. No.5 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.5 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr. C. Harish

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 08.02.2025, seeking bail in Crime No.5 of 2025 registered for the offences under Sections 5(l), 5(n) and 6 of POCSO Act, 2012.

2. The case of the prosecution is that the petitioner and the mother of the victim girl had illicit affair; that the victim girl earlier had a love affair with one Anbu; that to stop that relationship, the mother of the victim and the victim girl lived in the house of the petitioner; that in the absence of the mother of the victim, the petitioner promised to marry the victim girl, who was aged 17 years and 4 months at the time of occurrence and committed penetrative sexual assault on the victim and thus, committed the aforesaid offences.

3. Learned counsel for the petitioner would contend that the allegations against the petitioner are false; that the petitioner is in judicial custody from 08.02.2025; that investigation was completed and final report has been filed; and that considering the period of incarceration of the petitioner, he may be released on bail.



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4. The learned Government Advocate (Criminal Side), on instructions, while opposing the grant of bail to the petitioner, reiterated the prosecution case and submitted the copy of the statement of the victim and also medical records.

5. The petitioner is in judicial custody from 08.02.2025. Though the victim girl, aged 17 years and 4 months, had not lodged the complaint immediately, that cannot be the basis to disbelieve her statement. However, considering the period of incarceration, the fact that the final report has been filed, nature of allegations 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**, one of them should be a blood relative and another surety should be a local surety, each for a like sum to



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the satisfaction of the **Special Court for exclusive trial of cases under POCSO Act, Vellore** 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 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



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FIR can be registered under Section 269 B.N.S.

28.04.2025

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To

1. The Special Court for exclusive trial of cases under POCSO Act, Vellore.
2. The Inspector of Police, Katpadi All Women Police Station, Vellore District.
3. The Superintendent of Police, Central Prison, Vellore.
4. The Public Prosecutor, High Court of Madras.

SUNDER MOHAN. J.,

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