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CRL O.P. No.12584 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.12584 of 2025

Jayaprakash S/o. Ashokan

... Petitioner / 2nd Accused

Vs

State rep. by:-

The Inspector of Police,
Arumbavur Police Station,
Arumbavur, Perambalur District.
[Cr. No.33 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.33 of 2025, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.R. Thamarai Selvan

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

ORDER



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This Criminal Original Petition has been filed by the petitioner/accused, who was arrested and remanded to judicial custody on 10.02.2025, seeking bail in Crime No.33 of 2025 registered for the offences under Sections 67A of IT Act and Section 77 of B.N.S. read with Sections 11(iv) and 12 of POCSO Act.

2. The case of the prosecution is that the 1st accused had taken videos of the defacto complainant, while she was taking bath and sent the same to the petitioner herein; that the first accused was caught red handed by the defacto complainant's son; and that thereafter, the petitioner was arrested on the confession of the 1st accused. Hence the case.

3. Learned counsel for the petitioner would contend that the allegations against the petitioner are false; that admittedly the petitioner had not taken the pictures; that in any case, the mobile phone has now been seized; that considering the period of incarceration and the stage of investigation, prayed that 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 on instructions, submitted that the 1st accused had taken the videos of the defacto complainant and sent it to this petitioner; and that mobile phone has now been seized.

5. Considering the aforesaid facts, nature of allegations, submissions made by the learned counsels on either side, the mobile phone has now been seized 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 of the learned **Sessions Judge, Mahila Court, Perambalur** 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



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

24.04.2025

mjs

To

1. The Sessions Judge, Mahila Court, Perambalur.
2. The Inspector of Police, Arumbavur Police Station, Arumbavur, Perambalur District.
3. The Superintendent of Police, Central Prison, Trichy.
4. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN. J.,

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