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CrI.OP.No.12272 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.OP.No.12272 of 2025

1. Munusamy
2. Chakaravarthi ... Petitioner(s) /Accused

Vs.

The State. Rep. by
The Inspector of Police,
Ranipet All Women Police Station,
Ranipet District ... Respondent(s)/ Complainant
Crime No.11 of 2025

Prayer: Criminal Original Petition filed under Section 483 of BNSS 2023, to enlarge the petitioners on bail in connection with the case in Crime No.11 of 2025, pending investigation on the file of the respondent police.

For petitioner(s) : Mr.C.Harish

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

ORDER

This Criminal Original Petition has been filed by the petitioners, who



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were arrested and remanded to judicial custody on 18.03.2025, seeking bail in

Crime No.11 of 2025 registered for the offences under Sections 351(2) of BNS

r/w Sections 7, 8, 9(m) & 10 of POCSO Act.

2. It is the case of the prosecution that the petitioners are running a grocery shop; that the victim girl, aged 9 years, used to purchase groceries from them; that both the petitioners had inappropriately touched the victim girl; that though the incident occurred 1½ months prior to the registration of the FIR, the victim girl understood the nature of the act only after being made aware of bad touch at school and that she subsequently informed her mother, leading to the lodging of the complaint. Hence, the case.

3. The learned counsel for the petitioner submitted that the allegations are false; that there is a dispute between the petitioners and the defacto complainant with regard to the payment of money for the provisions purchased by them on credit basis; and that in any case, considering the nature of allegations, the period of incarceration, and their age, the petitioners may be released on bail.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of bail to the petitioner, on instructions, submitted that the defacto complainant has explained the reasons for the delay in filing the complaint and has also produced a copy of the Section 183 BNSS statement of the victim girl.

5. This court had perused the Section 183 BNSS statement of the victim girl.

6. The statement of the victim girl would suggest that the petitioners have committed sexual assault by inappropriate touch (bad touch).

7. Though the act of the petitioners cannot be justified, considering the nature of allegations, the age of the petitioners, the period of incarceration, the fact that the petitioners have no bad antecedents, and since further custody of the petitioners is not required, this Court is inclined to grant bail to the



petitioners with certain conditions.

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8. Accordingly, the petitioners are 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 District & Sessions Court, Ranipet**, 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 petitioners shall stay at Chennai and report before the C1 Flower Bazaar Police Station, Chennai, daily at 10.30 a.m., until further orders.

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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



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petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

23.04.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
skr

To

1. The Inspector of Police,
Ranipet All Women Police Station,
Ranipet District
2. The Public Prosecutor,
Madras High Court,
Chennai.
3. Learned District & Sessions Court, Ranipet,

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4. The Superintendent of Prison,
Central Prison, Vellore.

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SUNDER MOHAN, J.

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