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Crl.OP.No.12658 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.12658 of 2025

Krishnamoorthi

... Petitioner(s) /Accused

Vs.

State rep. by
The Inspector of Police,
All Women Police Station,
Nannilam,
Thiruvarur District.
Crime No.7 of 2025.

... Respondent(s)/ Complainant

Prayer: Criminal Original Petition filed under Section 483 of BNSS 2023, to enlarge the petitioner on bail pending investigation in Crime No.7 of 2025 on the file of the respondent.

For petitioner(s) : Mr.T.Muruganantham

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



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ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 27.02.2025, seeking bail in Crime No.7 of 2025 registered for the offences under Sections 5(m) and 5(n) r/w Section 6 of the POCSO Act and Section 351(2) of BNS (Section 506 of IPC).

2. It is the case of the prosecution that the petitioner is the Grandfather of the victim girl, aged 7 years; that the petitioner had committed penetrative sexual assault on the victim girl by touching her private parts inappropriately, and thus committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that the allegations are false; that the petitioner had a quarrel with the victim girl's class teacher; that, at the instance of the class teacher, the complaint was lodged, and the victim girl was forced to give a complaint against the petitioner; and that, in any case, considering the period of incarceration, the petitioner 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, reiterated the prosecution case and also produced the 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. The victim had stated that the complaint against the petitioner is false, and that she had made a false statement at the instance of her class teacher.

6. Considering the aforesaid facts, the nature of allegation, the period of incarceration; and since further custody is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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 Judicial Magistrate, Nannilam**, and on further conditions that:



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[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 report before the respondent Police, as and when required 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];***



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

24.04.2025

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

1. The Inspector of Police,
All Women Police Station,
Nannilam, Thiruvarur District.
2. The Public Prosecutor,
Madras High Court,
Chennai.
3. Learned Judicial Magistrate, Nannilam.
4. The Superintendent of Prison,
Central Prison, Trichy.



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SUNDER MOHAN, J.

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