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Crl.O.P.No.13225 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.05.2025

CORAM

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

Crl.O.P.No.13225 of 2025

1.Valaiyapathy
2.Natarajan
3.Ravishankar

... Petitioners

-VS-

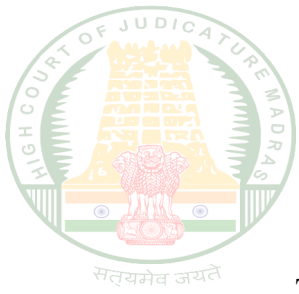
The State Represented by,
The Inspector of Police,
Moranam Police Station,
Tiruvannamalai District.
(Crime No.50 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on bail
in the event of their arrest by the respondent police in Crime No.50 of 2025
pending investigation on the file of the respondent police.

For Petitioners : Mr.S.L.Venkatesan

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl.Side)



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ORDER

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 296(b), 115(2), 118(1), 329(4), 324(4), 351(3) of BNS Act, 2023 r/w Sections 7 and 8 of POCSO Act, in Crime No.50 of 2025, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity between the petitioners and the defacto complainant, on 20.03.2025 at about 1.30 p.m., when the victim was inside the house, the first petitioner abused the victim girl with filthy language and also committed sexual assault on the victim girl, and other petitioners attacked the defacto complainant's husband with a wooden log, causing injuries to him, and also trespassed into the house of the defacto complainant and damaged the house hold articles and also threatened with dire consequences. Hence the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that due to previous enmity, the defacto complainant had



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lodged a false complaint against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioner.

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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that on the date of occurrence, due to previous enmity, the first petitioner abused with filthy language and had sexual assault on the victim girl. The second and third petitioners had attacked the defacto complainant's husband with a wooden log, causing injuries to him and also damaged the house hold articles of the defacto complainant. He further submitted that the minor victim girl has been secured and the statement has also been recorded from her under Section 183 BNS. He further submitted that the injured has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report and the statement recorded under Section 183 BNS from the victim girl.

6. Considering the arguments from both sides, the nature of the



offence and taking note of the statement recorded under Section 183 BNS, the fact that the first petitioner committed sexual assault on the victim girl, this Court is not inclined to grant anticipatory bail to the first petitioner. **Accordingly, the Criminal Original Petition is dismissed with regard to the first petitioner.**

7. As far as petitioners 2 and 3 are concerned, this Court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions.

8. Accordingly, this Criminal Original Petition stands allowed and the petitioners 2 & 3 are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Special Judge for Exclusive Trial of Cases under POCSO Act, 2012, Tiruvannamalai District**, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) **the second petitioner, aged about 70 years shall report before**



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the respondent police as and when required for interrogation and third petitioner shall report before the concerned Judicial Magistrate daily at 10.30 a.m, from Monday to Friday and shall further appear before the respondent police at 10.30 a.m., on every Saturday and Sunday until further orders.

[b] the second and third petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the second and third petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the second and third 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

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Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.”

To

- 1.The Inspector of Police,
Moranam Police Station,
Tiruvannamalai District.
- 2.The Public Prosecutor,
High Court, Madras.
- 3.The Special Judge for Exclusive Trial of Cases
under POCSO Act, 2012,
Tiruvannamalai District,



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N.SENTHILKUMAR,J

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