



Crl.OP.No.14136 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 30.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.14136 of 2025

Kondaiah

.. Petitioner/ Accused

Vs.

The State rep by
Inspector of Police
W-9, All Women's Police Station
Villivakkam, Chennai.
(Crime No.7 of 2025)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS,
pleaded to enlarge the petitioner on bail, in connection with the Crime No.7
of 2025, pending investigation on the file of the respondent Police.

For Petitioner : M/s.M.Dhivakar

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who
was arrested and remanded to judicial custody on 15.02.2025, seeking bail



Crl.OP.No.14136 of 2025

in Crime No.7 of 2025 registered for the offence under Sections 7(1) (2) r/w
Section 8 of POCSO Act 2012.

2. The case of the prosecution is that the petitioner and the victim girl aged 16 years were known to each other; that on the date of occurrence, the petitioner went to the house of the victim girl and inappropriately touched the breast of the victim girl and thus committed aforesaid offences.

3. The learned counsel for the petitioner would submit that due to previous enmity, the instant complaint has been lodged and that in any case, considering the period of incarceration, the petitioner may be released on bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police who reiterated the prosecution case, produced a copy of Section 183 BNSS statement of the victim girl.



WEB COPY

5. This Court had perused the Section 183 BNSS statement of the victim girl. The statement of the victim girl confirmed the prosecution case.

6. It is seen that the petitioner is in custody from 15.02.2025. The investigation is at the fag end. Considering the aforesaid facts, the nature of allegations, period of incarceration, 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.

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 Special Judge for Exclusive Trial of POCSO Act Cases, Chennai**, 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 daily at 10.30 a.m., until further orders;



Crl.OP.No.14136 of 2025

WEB COPY

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

30.04.2025

Index : Yes / No
Internet : Yes / No
dpa



Crl.OP.No.14136 of 2025

WEB COPY

- To
- 1.The Inspector of Police
W-9, All Women's Police Station
Villivakkam, Chennai.
 - 2.The learned Special Judge for Exclusive Trial of POCSO Act Cases,
Chennai.
 - 3.The Superintendent of Prison,
Central Prison-II, Puzhal, Chennai.
 - 4.The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.OP.No.14136 of 2025

SUNDER MOHAN, J.
dpa

Crl.O.P.No.14136 of 2025

30.04.2025