



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.13696 of 2025

Kannan

...Petitioner/Accused

Vs.

State rep by

The Inspector of Police,
AWPS Sankari Police Station,
Salem District.

(Crime No.13 of 2025)

...

Respondent

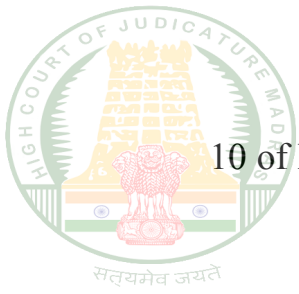
PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.13 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Jayaprakash

For Respondent :Mr.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 18.02.2025, seeking bail in Crime No.13 of 2025 registered for the offence under Section 9 (m) r/w



10 of POCSO Act, 2012.

2.It is the case of the prosecution that the petitioner, who is aged about 64 years and the victim girl, who is aged about 12 years are neighbors; that on 14.02.2025, the victim girl did not attend the school; that after her parents left for work, the victim went to the petitioner's house; that the petitioner and the victim were playing an indoor game; that thereafter he inappropriately kissed her hands and touched the chest of the victim girl; and thus committed the aforesaid offences.

3.The learned counsel for the petitioner would submit that the allegations are false; that the petitioner is in judicial custody from 18.02.2025; that in any case, considering the nature of allegations and the period of incarceration, he may be released on bail.

4.Per contra, the learned Government Advocate (Criminal Side) reiterated the prosecution case and produced a copy of the statement of the victim recorded under Section 183 of BNSS, 2023, wherein the victim had confined the prosecution case.



5.Heard the learned counsel on either side and perused the materials available on record.

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6.This Court had perused the statement of the victim girl which confirms the prosecution case.

7.Considering the fact that the statement of the victim girl has been recorded, the investigation is at the fag end, the period of incarceration and the aforesaid facts, this Court is of the view that further custody of the petitioner is not required. Hence, this Court is inclined to grant bail to the petitioner with certain conditions.

8.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 **Sessions Judge, Principal POCSO Court, Salem** 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 report 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 FIR can be registered under Section 269 B.N.S.

29.04.2025

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Copy to:

The Inspector of Police,
AWPS Sankari Police Station,
Salem District.

2.The Sessions Judge, Principal POCSO Court, Salem.

3.Central Prison, Salem.

4.The Public Prosecutor, High Court, Madras.



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CrI.O.P.No.13696 of 2



SUNDER MOHAN, J.

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CrI.O.P.No.13696 of 2025



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CrI.O.P.No.13696 of 2



29.04.2025