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Crl.O.P.Nos.13965 & 13977 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.05.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.13965 & 13977 of 2025

Tamilarasan

... Petitioner
in Crl.OP.No.13965 of 2025

Poovarasam

... Petitioner
in Crl.OP.No.13977 of 2025

Vs.

State Rep. by,
The Inspector of Police,
Natrapalli Police Station,
Tirupattur District.
(Crime No.109 of 2025)

... Respondent
in both Crl.OPs.

COMMON PRAYER : Criminal Original Petitions filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioners on bail, pending investigation of the case in Crime No.109 of 2025, on the file of the respondent Police.

For Petitioners : Mr.M.Arun (in both Crl.OPs.)

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)
(in both Crl.OPs.)



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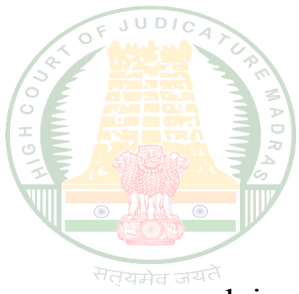
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COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 18.04.2025 for the offences punishable under Sections 296(b), 115(2) of BNS, 11(2), 12 of POCSO Act and Section 4 of TNPHW Act in Crime No.109 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners are the neighbours of the victim girl. On 17.04.2025 around 05.30p.m., the minor girl went to her house terrace, the first petitioner made sexual gesture of his body to be seen by victim and the same was questioned by the defacto complainant. Due to which, the petitioners have abused them with filthy language. Hence the complaint.

3. The contention of the learned counsel appearing for the petitioners is that the petitioners are arrayed as A1 and A2. There is a family dispute between the petitioners and the victim's family and hence a false case has been foisted against them. He further submitted that on 17.04.2025 around 05.30p.m., the minor girl went to her house terrace to collect the clothes, at that time, the first petitioner is said to undressed himself and exhibited his private parts and also approached the victim. Immediately, the victim had left the clothes and escaped from the occurrence for safety. When the same was questioned by the defacto



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complainant, the petitioners have abused them with filthy language and also threatened them. He further submitted that the petitioners were arrested on 18.04.2025. He also submitted that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and further submitted that the the first petitioner in this case is said to have undressed himself and exhibited his private parts. Hence, he opposed for granting bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, the submission made by the learned counsel appearing on either side and the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing separate bonds each for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned ***Judicial Magistrate-III, Tirupattur District*** and on further conditions that:



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[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

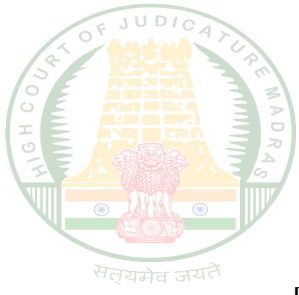
[b] the petitioners shall report before the respondent Police, everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for further interrogation;

[c] the petitioners shall make herself available for interrogation by a Police Officer as and when required;

[d] the petitioners shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioners to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned 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)13 SCC 283]**;



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

14.05.2025

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.



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M.NIRMAL KUMAR, J.

Vv

To

1. The Judicial Magistrate-III, Tirupattur District
2. The The Inspector of Police,
Natrampalli Police Station,
Tirupattur District.
3. The Superintendent,
Central Prison, Vellore.
4. The Public Prosecutor, High Court of Madras.

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