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Crl. O.P. No.14500 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.No.14500 of 2025

MD Javed S/o. Jakir

... Petitioner

Vs.

State Rep. by -

The Inspector of Police,
All Women Police Station,
KVR Nagar,
Tiruppur.
(Crime No.21 of 2025).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail, in Crime No.21 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr.C. Nandha Kumar

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

ORDER

Petition seeking bail in respect of Crime No.21 of 2025 registered for the alleged offences punishable under Sections 7 and 8 of POCSO Act and Section



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127(2) of B.N.S. Act, 2023, is on board for consideration.

2. The petitioner is said to have made sexual assault on the victim, who is aged about 14 years. It is seen that the petitioner and the victim are hailing from Bihar and the petitioner is employed here and they are known to each other.

3. The contention of the learned counsel appearing for the petitioner is that earlier the petitioner and the victim were neighbours and thereafter, the victim had shifted her residence and the petitioner has gone there to see the victim, out of the old relationship, which was opposed by the victim's parents and this false case has been foisted against the petitioner and he has nothing to do with the alleged offence. He further submitted that the petitioner was arrested on 02.04.2025. He also submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and further submitted that the investigation has not yet completed and opposed for granting bail to the petitioner.



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

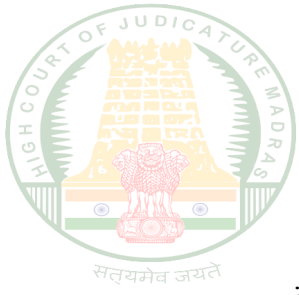
6. Considering the facts and circumstances of the case, the submission made by the learned counsel appearing on either side and the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on her executing a bond 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 **Sessions Judge, Mahalir Neethimandram (FTMC), Tiruppur**, and on further conditions that:

[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 petitioner 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 petitioner shall make himself available for



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interrogation by a Police Officer as and when required;

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

[e] the petitioner 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;



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[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner 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];

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

14.05.2025

mjs

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 official website of this Court will be watermarked and will also have a QR code.



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M.NIRMAL KUMAR, J.

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To

1. The Sessions Judge, Mahalir Neethimandram (FTMC),
Tiruppur.
2. The Inspector of Police,
All Women Police Station,
KVR Nagar, Tiruppur.
3. The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

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