



Crl.O.P.No.14993 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.14993 of 2025

Rahul

... Petitioner

Vs.

State rep. by
The Inspector of Police,
AWPS Omalur.
Crime No. 15 of 2025.

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner/Accused on bail in
Crime No.15 of 2025 pending on the file of the Respondent police.

For Petitioner : Mr.R.Rajprabhu

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on
22.02.2025, for the offence punishable under Sections 5(1), 5(j)(ii) read with
Section 6 of POCSO Act, 2012, in connection with Crime No.15 of 2025,
registered on the file of the respondent, seeks bail.



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2. The case of the prosecution is that on the promise of marriage, petitioner had committed penetrative sexual assault against the victim girl. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that there was a love affair between the petitioner and the victim girl and in this relationship, they had close terms, which has now been projected as though petitioner had committed penetrative sexual assault on the victim girl. He further submitted that, parents of the victim girl on coming to know about the relationship, opposed for their love and filed a complaint. He further submitted that the petitioner has been suffering incarceration for 100 days and the charge sheet is yet to be filed and the petitioner is entitled for statutory bail and the petitioner has filed petition for statutory bail petition before the trial Court, which has been returned for the reason that the present bail application is pending. He further 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.



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4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case and submitted that the charge sheet is yet to be filed in this case.

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

6. Considering the facts and circumstances of the case, submissions made by the learned counsels on either side and the fact that the petitioner is entitled for statutory bail, 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.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Sessions Judge, Principal POCSO Court, Salem**, 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



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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 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;

[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.

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To

1. Sessions Judge Principal POCSO Court,
Salem.
2. The Inspector of Police,
AWPS Omalur.
3. The Superintendent,
Central Prison, Salem
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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