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Crl.O.P.No.15513 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.15513 of 2025

Bennet Harrish @ Benet Harish

... Petitioner/A2

Vs.

The State Rep. by
Inspector of Police,
AWPS Central Police Station,
Coimbatore City,
Crime No.13 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 489 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner/Accused on bail in connection with the case in Crime No.13 of 2025 pending investigation on the file of the Respondent police.

For Petitioner : Mr.R.Prabakar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.04.2025, for the offence punishable under Sections 9(l), 9(n) 10 of POCSO



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Act, subsequently altered to Section 9(l), (n) read with 10, 16 r/w 17 of POCSO Act and Section 75 of JJ Act 2015 in Crime No.13 of 2025, registered on the file of the respondent, seeks bail.

2. The learned counsel appearing for the petitioner submitted that in this case there are five accused. A1 and A5 are husband and wife. Petitioner/A2 is the brother-in-law of the A1, while A3 and A4 are the father-in-law and mother-in-law respectively. It is submitted that A3 and A4, through the victim, have lodged a false complaint due to a domestic misunderstanding between the petitioner and his wife. Subsequently, based on the victim's statement, the entire family was implicated and the petitioner was arrested. He further submitted that two victims have been projected in this case. One of the victims has not made any allegations against the petitioner. The second victim alleged that on the day of the incident during the month of March 2021, there was a party and she went to the kitchen to get water at the petitioner's request, he followed her, hugged her and kissed her. He further submitted that this Court also granted bail to the A1. He also submitted that the petitioner is willing to abide by any stringent conditions that may be imposed by this Court. Therefore, he prays for grant of bail to the petitioner.



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3. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there are two victims in this case, aged about 17 and 12 years, respectively. It is alleged that the petitioner hugged and kissed the first victim, who is 17 years old on various occasions. He further submitted that there was a party on the day of the alleged incident, during which alcohol and food were being served. It is also submitted that the victim girl is the adopted daughter of A3 and A4. Therefore, he strongly opposed the grant of bail to the petitioner.

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 also the fact that A1 was granted bail by this Court, 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 **Principal**



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Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore,

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 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]**;



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

03.06.2025

sma

To

1. The Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore.
2. The Inspector of Police,
AWPS Central Police Station,
Coimbatore City.
3. The Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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