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CRL OP No. 15683 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-06-2025

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 15683 of 2025

VIGNESHWARAN

Petitioner

Vs

State rep. by, The Inspector of Police

ATTUR TOWN Police Station, Salem

District. Crime No.141 of 2025

Respondent

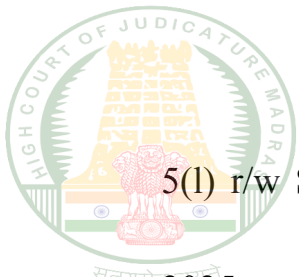
PRAYER Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.141 of 2025, on the file of the Respondent Police.

For Petitioner: Mr.W.Camyles Gandhi

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.04.2025, for the offence punishable under Section 87 of BNS and Section



5(1) r/w Section 6 of POCSO Act 2012 in connection with Crime No.141 of 2025, registered on the file of the respondent, seeks bail.

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2. The case of the prosecution is that under force and compulsion, the petitioner had sexual intercourse with the victim, who is aged about 14 years and studying 9th standard. Hence, the complaint.

3. Learned counsel for the petitioner would submit that petitioner is innocent and has been falsely implicated in this case. The learned counsel further submitted that the petitioner is suffering incarceration from 17.04.2025 and he 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 on instructions submitted that the statement of the victim was recorded under Section 183 of BNSS Act and opposed for grant of bail to the petitioner by stating that if the petitioner is released on bail, there are chances for the petitioner to abscond and to threaten



the victim and to tamper the witnesses and that the trial will be affected.

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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 period of incarceration undergone 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 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 proofs to ensure their identity;



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[b] the petitioner shall report before the respondent police daily at 10. 30 a.m.,until further orders;

[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.

18-06-2025

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Note :



1. Registry is directed to forthwith upload this order in the Official Website of this Court.

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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.



To
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1. The Inspector of Police
ATTUR TOWN Police Station, Salem
District.
- 2,. The Sessions Judge
Principal POCSO Court, Salem.
3. The Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR J.

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