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CRL OP No. 15641 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-06-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 15641 of 2025

RAJAGOPAL

Petitioner

Vs

State rep by, The Inspector of Police,
All women Police Station,
Sooramangalam, Salem District.
Crime No. 19/2024.

Respondent

PRAYER Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in pending trial in Spl.SC.No.119 of 2024 on the file of the Special Court for the exclusive trial of POCSO Act Cases, Salem in Crime No.19 of 2024 on the file of the respondent police.

For Petitioner:

Mr.W.Camyles Gandhi

For Respondent:

Mr.L.Baskaran

Government Advocate (Crl.Side)

**ORDER**

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The petitioner, who was arrested and remanded to judicial custody on 04.04.2025, for the offence punishable under Sections 307 IPC, Section 77 of JJB Act 2015 and Sections 5(l), 5(n) r/w 6 of POCSO Act 2012 in connection with Crime No.19 of 2024, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner who is the father of the victim minor girl aged about three years misbehave and sexually assaulted the victim girl and threatened with dire consequences. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner was initially arrested, released on bail and had regularly complied with the bail conditions. Subsequently, the respondent police filed a charge sheet, which was taken on file in S.C.No.119 of 2024 before the Special Court for Exclusive Trial of POCSO Act Cases, Salem. However, during the trial, the petitioner's bail was cancelled after he stated that he and the victim girl were living in the same house, leading to his re-arrest. The petitioner now undertakes to abide by any stringent conditions imposed by this Court and prays for bail.



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4. Learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instructions submitted that though investigation has been completed, if the petitioner is released on bail there are chances for the the petitioner to abscond, to tamper the witnesses, to threaten the victim, to indulge in same kind of offence, and the trial in the case will be affected. Hence, opposed for 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 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 Special**

Court for the exclusive Trial of POCSO Act Cases, 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;

[b] the petitioner shall report before the Trial Court on all hearing dates without fail;

[c] the petitioner shall never enters into the house where the victim resides till completion of the trial and shall not cause any disturbance to the victim in any manner;

[d] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

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

[f] 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;

[g] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate



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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]**;

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

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Jai

Index: Yes/No

Speaking/Non-speaking order

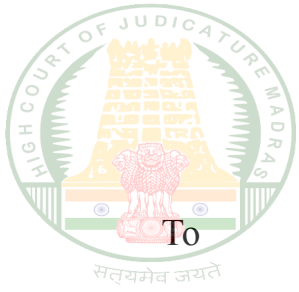
Internet: Yes

Neutral Citation: Yes/No

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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- 1.The Inspector of Police,
All women Police Station,
sooramangalam, Salem District.
- 2.The Special Court for the exclusive
trial of POCSO Act Cases, Salem.
- 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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