



Crl.O.P.No.16194 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16194 of 2025

Sirajudeen

... Petitioner

Vs.

State rep. by
The Inspector of Police,
AWPS – KVR Nagar Police Station,
Tiruppur City,
Tiruppur District.
Crime No.13 of 2025.

... Respondent

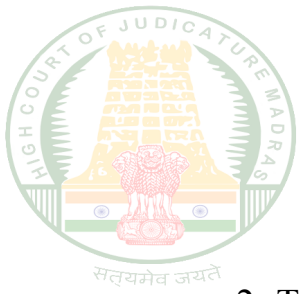
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner on bail in Crime No.13
of 2025 pending on the file of the Respondent police.

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
01.03.2025, for the offence punishable under Sections 5(1) r/w 6 of POCSO Act,
2012 in connection with Crime No.13 of 2025, registered on the file of the
respondent, seeks bail.

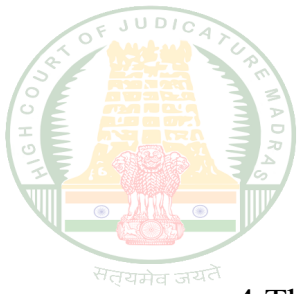


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2. The case of the prosecution is that during the month of February, 2025, the petitioner is alleged to have behaved in an inappropriate manner and touched her private parts and also threatened her not to disclose the said event to anyone. victim girl. Thereafter, in the awareness class of sexual harassment to the students, she learnt good touch and bad touch. Then, she informed about the event to her school, who then informed to her mother. Then she was taken to the hospital and the doctor after medical examination had informed that there are minute semen present in her body. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is residing in the opposite house of the victim girl. There was a wordy quarrel between the petitioner and the defacto complainant with regard to the sharing of the common area. He further submitted that in the 164 statement the victim girl makes a bald sweeping allegation that one Friday, the victim was called inside the house of the petitioner and he has committed penetrative sexual assault on her. He further submitted that there is no sexual assault. He further submitted that the petitioner is in judicial custody from 01.03.2025 and hence, further custody of the petitioner is not required. He has been falsely implicated in this case. 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.



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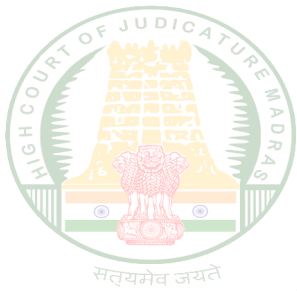
4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner was resident of the opposite house of the victim girl and on one Friday taking advantage of the loneliness of the victim, the petitioner has taken her inside his house and he committed penetrative sexual assault on two occasions which was confirmed in her 164 statement. He also produced the 164 statement and medical report. The medical opinion of the Doctor states that there is no chance of the victim girl subject to penetrative sexual assault. He further submitted that charge sheet was filed on 10.04.2025. He reiterated the prosecution case and 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, the submissions made by the learned counsel 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 Mahalir Neethimandram (FTMC), Tiruppur, and on further conditions that:

a] the sureties shall affix their photographs and Left Thumb



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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 appear before the trial court on all hearing dates without fail;

[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.

09.06.2025

gv

To

1. The Mahalir Neethimandram (FTMC), Tiruppur,
2. The Inspector of Police,
AWPS – KVR Nagar Police Station,
Tiruppur City,
Tiruppur District.
3. The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.
gv

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