



Crl.O.P.No.16285 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16285 of 2025

Kumaran @ Kumara

... Petitioner/Accused

Vs.

State rep. by
The Inspector of Police,
W-13 All Women Police Station,
Chennai – 600 021.
(Crime No.04 of 2025).

... Respondent

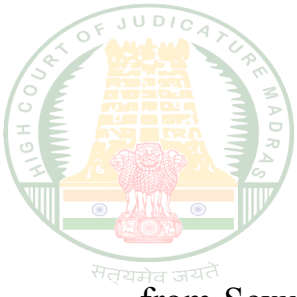
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.04
of 2025 on the file of the respondent police.

For Petitioner : Mr.R.Nagaraj

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on
02.04.2025, for the offences punishable under Section 8 of Protection of Children



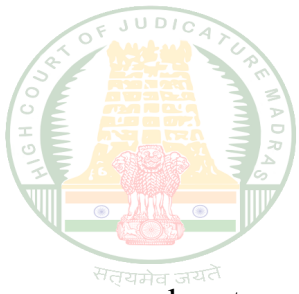
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from Sexual Offence Act, 2012 and Section 78, 351(3) and 4 of TNPHW Act in connection with Crime No.04 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that during a quarrel between the petitioner and de-facto complainant, the petitioner intentionally tore the dress of the victim/de-facto complainant's daughter and made improper touch. Hence, the case.

3. The contention of the learned counsel for petitioner is that the petitioner and the victim are residing in the same area. The petitioner had a fight with the victim's sister. At that time, the victim intervened and hence, damage caused to her dress, which was projected as though the petitioner with sexual intention had tore the victim's dress and touched her breast. Hence, he prays for grant of bail to the petitioner.

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 petitioner is aged about 29 years. Taking



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advantage of the victim's family circumstances that she is residing along with her mother and sister in her grandparents house without her father, the petitioner has been continuously causing torture and harassment to the victim girl. During the fight, he made improper touch on the victim's breast and also tore her dress.

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

6. Considering the submissions made on either side and on perusal of the material, it is seen that there was a fight and during the fight the petitioner touched the body of the victim girl. Further the petitioner had come forward with an undertaking that he will not give any inconvenience or trouble knowingly or unknowingly to the victim girl. Considering the above submission 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 **Principal Special Court under POCSO Court, Chennai** and on further conditions that:

[a] the sureties shall affix their photographs and Left



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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;

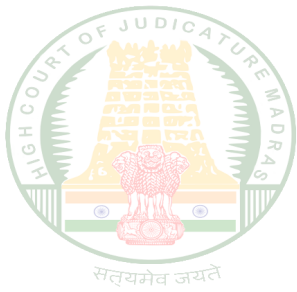
[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

[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, victim 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**



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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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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.

To

- 1.The Special Judge,
Principal Special Court under POCSO Court, Chennai.
- 2.The Inspector of Police,
W-13 All Women Police Station,
Chennai – 600 021.
- 3.The Superintendent,
Central Prison-II, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

M.NIRMAL KUMAR, J.



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