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Crl.O.P.No.16514 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16514 of 2025

Kumar

... Petitioner/Sole Accused

Vs.

State, represented by
Inspector of Police,
AWPS Avadi Police Station,
Avadi.

(Crime No.11 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail concerned
in Crime No.11 of 2025 on file of the Inspector of Police, AWPS Avadi
Police Station, Avadi.

For Petitioner : Mr.R.Prathiban

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 23.04.2024, for the offence punishable under Sections 11(1), 12 of
POCSO Act, 2012 in Crime No.11 of 2025, registered on the file of the
respondent, seeks bail.



Crl.O.P.No.16514 of 2025

WEB COPY

2. The case of the prosecution is that the petitioner, who is married man had exhibited his private parts to the victim girl, who is residing in the opposite house. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the due to dispute with regard to usage of common area, defacto complainant has lodged a false complaint, infact, petitioner has given counter complaint against the defacto complainant for the disturbance caused to him. He further 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.

5. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case.



Crl.O.P.No.16514 of 2025

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

7. Considering the facts and circumstances of the case, submissions made by the learned counsels on either side, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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 Exclusive Trial of Cases under POCSO Act, Tiruvallur** 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 daily at 10.30.a.m., for a period of two weeks and thereafter as and when required ;**

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



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CrI.O.P.No.16514 of 2025

[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.

[h] the petitioner shall not create any disturbance to the victim girl in any manner.

06.06.2025

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Crl.O.P.No.16514 of 2025

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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 Court for Exclusive Trial of Cases under POCSO Act,
Tiruvallur.
- 2.The Inspector of Police,
AWPS Avadi Police Station,
Avadi.
- 3.The Central Prison,
Puzhal.
- 4.The Public Prosecutor,
High Court of Madras.

M.NIRMAL KUMAR, J.



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Crl.O.P.No.16514 of 2025

sma

Crl.O.P.No.16514 of 2025

06.06.2025