



Crl.O.P.Nos.16567 & 16571 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.16567 & 16571 of 2025

Janakaraj ... Petitioners/ 2nd Accused in Crl.O.P.No.16567 of 2025

Arunkumar ... Petitioners/ 1st Accused in Crl.O.P.No.16571 of 2025

Vs.

The State of Tamil Nadu,
Rep. by The Inspector of Police,
All Women Police Station,
Pollachi,
Coimbatore District.
(Cr.No.23 of 2025)

... Respondent

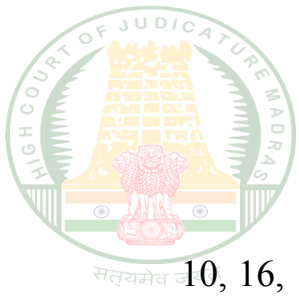
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in Crime
No.23 of 2025 pending on the file of the respondent.

For Petitioners : M/s.W.Camyles Gandhi

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

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 15.05.2025, for the offence punishable under Sections 7, 8, 9(1),

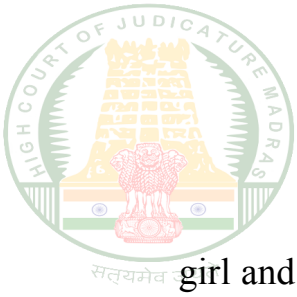


Crl.O.P.Nos.16567 & 16571 of 2025

10, 16, 17 of POCSO Act, 2012 and Section 75 of Juvenile Justice Act, 2015
in Crime No.23 of 2025, registered on the file of the respondent, seeks bail.

2. Learned counsel appearing for the petitioners submitted that the petitioner/A1 is running mill and the petitioner/A2 is the father of the victim girl. He further submitted that the victim girl's mother got separated from A2 and living in Salem and the victim girl was taken care by his father/A2 and later she discontinued her studies and was employed in a textile shop. He further submitted that the textile shop owner complained that the victim girl had committed theft of Rs.10,000/- in the textile shop, when the same was questioned, the victim girl refused and later gone to her mother's place. He further submitted that A1 in this regard had enquired the same about the victim girl, aggrieved over the same, the victim girl had lodged a complaint as if A1 had made inappropriate touch on her and the A2, who is her father had not defended him. Hence, he prayed for grant of bail to the petitioners.

3. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail to the petitioners, reiterated the prosecution case and submitted that A1 in this case, taking advantage of his position and in the guise of enquiry had beaten the victim



Crl.O.P.Nos.16567 & 16571 of 2025

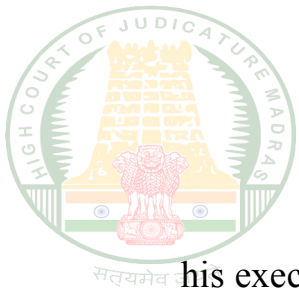
WEB COPY

girl and also made inappropriate touch and the same was not defended by the victim girl's father/A2. He further produced the statement of the victim girl recorded under Section 164 of Cr.P.C.

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

5. On perusal of the statement of the victim girl, it is seen that the victim girl was employed in the textile shop and the textile shop owner had complained that the victim girl had committed theft of Rs.10000/- and the same was repaid by the victim girl's father and further, A1, in the guise of enquiry, had forcibly beaten the victim girl and also made inappropriate touch and that was not defended by A2, who is the father of the victim girl. 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 petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on



WEB COPY

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 **Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore** 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 petitioners shall report before the respondent police for a period of two weeks and thereafter as and when required for interrogation;**

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

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

[e] the petitioners 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



WEB COPY



Crl.O.P.Nos.16567 & 16571 of 2025

conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions have been imposed and the petitioners 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.

12.06.2025

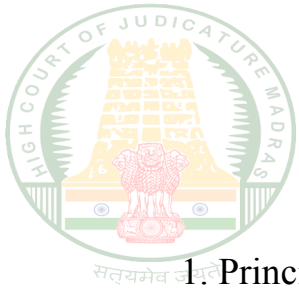
sma

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

5/7



Crl.O.P.Nos.16567 & 16571 of 2025

1. Principal Special Court for Exclusive Trial of Cases under POCSO Act,
Coimbatore

2. The Inspector of Police,
All Women Police Station,
Pollachi,
Coimbatore District.

3. The Superintendent,
Central Prison, Coimbatore

4. The Public Prosecutor,
High Court of Madras.

M.NIRMAL KUMAR, J.



WEB COPY



Crl.O.P.Nos.16567 & 16571 of 2025

sma

Crl.O.P.Nos.16567 & 16571 of 2025

12.06.2025