



Crl.O.P.No.16847 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16847 of 2025

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... Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
K.V.R. Nagar AWPS,
Tiruppur District.

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner on bail pending investigation in Crime No.26 of 2025 on the file of the Respondent police.

For Petitioner : Ms.Gunasri MP

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.04.2025, for the offences punishable under Sections 9(m), 10 of POCSO Act and Sections 351(3), 127(2) of BNS, 2023 in connection with Crime No.26 of



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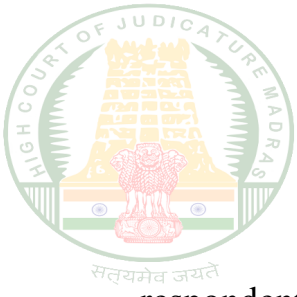
2025, registered on the file of the respondent, seeks bail.

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2. The case of the prosecution is that the de-facto complainant/victim girl aged about 12 years is a native of Bihar. On the date of occurrence, the petitioner trespassed into the house of the de-facto complainant, locked the door from inside, pushed the de-facto complainant down and attempted to commit sexual assault. Thereafter, on hearing a knock on the door, the petitioner threatened to kill the victim, if she revealed the incident and fled from the scene of occurrence. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed the offence as alleged by the prosecution. He further submitted that the victim's parents foisted the case for financial purpose. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the



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respondent police while opposing for grant of bail to the petitioner reiterated the prosecution case and submitted that the statement under Section 164 of Cr.P.C. of the victim is yet to be recorded and the victim is not ready to give her statement.

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

6. Considering the submissions made on either side, it is seen that the victim girl is not co-operating and coming forward to give her statement. In view of the same, 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 **Sessions Judge, Magalir Neethimandram, Tiruppur**, 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;



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[b] **the petitioner shall report before the respondent Police everyday at 10.30 a.m. until further orders;**

[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.

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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 Sessions Judge,
Magalir Neethimandram, Tiruppur.

2.The Inspector of Police,
K.V.R. Nagar AWPS,
Tiruppur District.

3.The Superintendent,
Central Prison, Coimbatore.

4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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