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Crl.O.P.No.16921 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16921 of 2025

Kadar Basha

... Petitioner/Accused

Vs.

The State Rep by
The Inspector of Police,
Tirupathur All Women Police Station,
Tirupathur District.
(Crime No.15 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in
connection with the case in Crime No.15 of 2025 pending investigation on
the file of the respondent police.

For Petitioner : Mr.C.Harish

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



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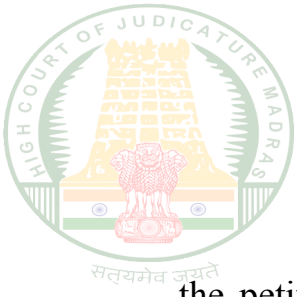
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ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.05.2025, for the offence punishable under Sections 9(m) and 10 of POCSO Act in connection with Crime No.15 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the victim girl was sexually assaulted by the petitioner, who is the step father of the victim girl. Hence, the case.

3.The learned counsel for the petitioner submitted that the Child Welfare Committee lodged a complaint against the petitioner as though they have received information from the child help line. The petitioner is now living with his wife, who was earlier married and she got a female baby to the earlier marriage. The petitioner is taking care of his wife and baby born to the earlier marriage. There has been some objection from the family members of



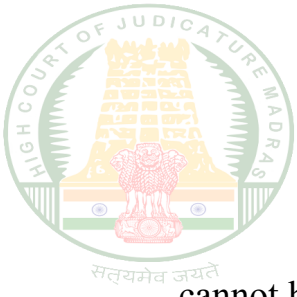
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the petitioner's wife. Hence, a normal father and daughter expressing love has been projected as though it was made with sexual intent. In fact, the victim in her statement under Section 164 of Cr.P.C. admitted that petitioner used to hug and kiss her on her achievements in school in a fatherly affection and nothing more. Hence, he prayed for grant of bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police produced Section 164 Cr.P.C. statement of the victim and submitted that the victim girl admits that she was hugged and kissed by her father. Hence, he strongly opposed for granting bail to the petitioner.

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

6.Considering the facts and circumstances of the case and on perusal of Section 164 Cr.P.C. statement, it is seen that in the 164 statement it was recorded that the victim cried and asked for her father and she has got love and affection for her father. This would confirm that the act of the petitioner



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cannot be construed as with sexual intent and it is a normal fatherly affection, which has been wrongly projected. In view of the same, this Court is inclined to grant bail to the petitioner with certain conditions.

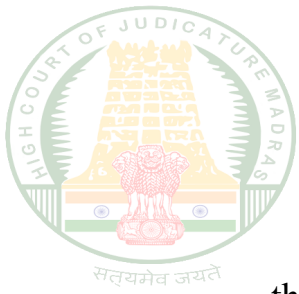
7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **District and Sessions Judge, Tirupattur**, and on further conditions that:

[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., 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



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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.

13.06.2025

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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.



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M.NIRMAL KUMAR, J.

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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 District and Sessions Judge,
Tirupattur.

2. The Inspector of Police,
Tirupathur All Women Police Station,
Tirupathur District.

3.The Superintendent,
Central Jail, Vellore.

4.The Public Prosecutor,
High Court of Madras.

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