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CRL OP No. 17116 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-06-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 17116 of 2025

D.Tharun

Petitioner

Vs

The State rep by its
The Inspector of Police,
V1 Villivakkam Police Station,
Villivakkam, Chennai.
Crime No.262 of 2025.

Respondent

PRAYER Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 to enlarge the Petitioner/Accused on bail in connection with Crime No.262 of 2025, pending investigation on the file of the Respondent Police-VI Villivakkam Police Station.

For Petitioner: M/s.J.Elanjchezhien

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.05.2025, for the offences punishable under Sections 11(iv) and 12 read with



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17 of the Protection of Children from Sexual Offences Act, 2012 and under Sections 329(4), 296(b), 109(1) and 351(3) BNS and under Section 67(A) IT Act, 2000 in connection with Crime No.262 of 2025, registered on the file of the respondent, seeks bail.

2.The case of the prosecution is that the petitioner had sexually harassed and assaulted the victim. Further the petitioner along with the second accused trespassed into the victim's residence, physically assaulted the victim and her mother and threatened to circulate certain images of the victim on social media. Hence, the case.

3. The contention of the petitioner is that the petitioner is innocent and has been falsely implicated in this case and there is no previous case against the petitioner. The learned counsel further submitted that the petitioner is suffering incarceration from 21.05.2025 and he 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.



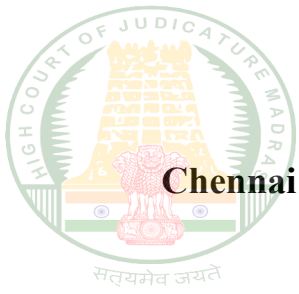
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4. Learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instructions submitted that the case is under investigation, at this stage, if the petitioner is released on bail, there are every possibilities for tampering the witnesses and hampering the investigation, thereby, he strongly opposed to grant bail to the petitioner.

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

6. Considering the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side, 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 **learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act,**



Chennai and on further conditions that:

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[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, on everyday at 10.30 a.m., for a period of two weeks;

[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



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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.

16-06-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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
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- 1.The Inspector of Police,
V1 Villivakkam Police Station,
Villivakkam, Chennai.
Crime No.262 of 2025.
- 2.The Superintendent,
Puzhal Central Prison, Chennai.
- 3.The Sessions Judge, Special Court for
Exclusive Trial of cases under POCSO
Act, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR J.

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