



Crl.O.P.No.17331 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.17331 of 2025

Sivasankar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Villupuram District.
Crime No.3 of 2021

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of arrest in connection with Crime No.3 of 2021 on the file of respondent Police.

For Petitioner : Mr.Sudhakar Kannusamy

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 342, 343, 366 of I.P.C. Section 5 (l), 6, 17 of Protection of Child from Sexual Offences Act, 2012 in Crime No.3 of 2021, on the file of the respondent Police, seeks anticipatory bail.



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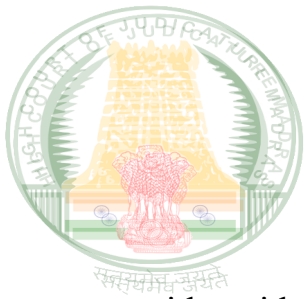
2. The case of the prosecution is that, the petitioner had committed penetrative sexual assault on the victim girl who is aged about 13 years. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. 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 anticipatory bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that investigation has been completed and charge has been filed in Spl.S.C.No.110 of 2021 on the file of Sessions Judge, Special Court for Trial of cases, Under POCSO Act, Villupuram. However, he opposed for grant of anticipatory bail to the petitioner.

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

6. Considering the submissions made by the learned counsel appearing on



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either sides and taking note of the fact that investigation has been completed and charge has been filed in Spl.S.C.No.110 of 2021 and since, custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Sessions Judge, Special Court for Trial of cases, Under POCSO Act, Villupuram**, on condition that the petitioners shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] 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



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of the identity proofs to ensure their identity;

[c] the petitioner shall report before the concerned Magistrate on all hearing dates without fail;

[d] the petitioner shall not abscond either during investigation or trial and he shall make himself available for interrogation by a Police Officer as and when required;

[e] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;;

[f] 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;

[g] 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];**

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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To

- 1.The Sessions Judge, Special Court for
Trial of cases, Under POCSO Act, Villupuram.
- 2.The Inspector of Police,
All Women Police Station,
Villupuram District.
3. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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