



Crl.O.P.No.17567 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2025

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.17567 of 2025

Udhayakumar

.. Petitioner

Vs.

The State rep by
The Inspector of Police
Gummidipoondi All Women Police Station
Thiruvallur District
Crime No. 4 of 2025.

... 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. 4 of 2025 on the file of the Gummidipoondi All Women Police Station, Thiruvallur District

For Petitioner : Mr.S.Magimai Raj

For Respondent : Mr.R.Vinoth Raja
Government Advocate (Crl.side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.04.2025, for the offence punishable under Section 351(2) of BNS and 11(1), 11(4), 12 of POCSO Act in Crime No.4 of 2025, registered on the file of the respondent, seeks bail.



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2. The case of the prosecution as per the defacto complainant is that the petitioner had followed her 12 year old daughter and also gestured her to come back in front of her house and also threatened her. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is in no way connected with the alleged offence, however, he is suffering incarceration from 01.04.2025. It is the contention of the petitioner that he is working as a sales representative and also hails from the same village as the victim girl and thereafter, they developed a mutual interest. He further contended that the victim girl used to send messages and used to contact him through mobile phone of her mother. Thus, the relationship was objected by the victim's parents and now the case has been projected as though the petitioner has been constantly following the victim girl and has been portrayed as having sexually assaulted her. 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 bail to the petitioner.



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4. Learned Government Advocate (Crl.side) appearing for the respondent police, produced the statement recorded under Section 164 of CrPC from the victim girl and submitted that that defacto complainant, who is a mother of the victim girl lodged a complaint stating that petitioner had been constantly following the victim girl when she was going to school. He also submits when the victim girl was alone, the petitioner used to call her and due to the continuous harassment caused by the petitioner, the complaint has been lodged. Hence, he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the statement recorded under Section 183 of BNSS from the victim girl.

6. On perusal of the statement recorded under Section 183 of BNSS from the minor victim girl, it is seen that except for the allegation that the petitioner attempted to talk to the victim despite resistance and made some gestures, no other overt act of harassment or sexual assault is specifically attributed to him.

7. Considering the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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8. 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, Thiruvallur** 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 as and when required for interrogation

[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



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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.

07.07.2025

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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.



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To

1. The Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Thiruvallur.

2. The Inspector of Police
Gummidipoondi All Women Police Station
Thiruvallur District

3. The Superintendent,
Central Prison-II, Puzhal.

4. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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