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Crl.O.P.No.18682 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.18682 of 2025

Selva Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Vellore All Women Police Station,
Vellore District.

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Spl.S.C.No.24 of 2025 pending on the file of the Special Court for the exclusive trial of POCSO Act Cases, Vellore (Crime No.15 of 2024 dated 03.07.2024 on the file of the respondent Police)

For Petitioner : Mr.B.Balavijayan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.07.2024 in Spl.S.C.No.24 of 2025 pending on the file of the Special Court for the exclusive trial of POCSO Act Cases, Vellore, in connection with Crime No.15 of 2024, registered for the offences under Sections 5(m), 5(n) and 6 of the



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Protection of Children from Sexual Offences Act, 2012 , seeks bail.

2. The case of the prosecution is that the accused, who is the father of the minor victim girl, had sexually assaulted his own daughter. Based on the complaint given by the mother of the victim/wife of the accused, the present case came to be registered. Hence the case.

3. The contention of the learned counsel appearing for the petitioner is that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that the petitioner is none other than the father of the victim girl and due to some family dispute, the de facto complainant has given an exaggerated complaint using her daughter. He also submitted that even in her statement, the de facto complainant had stated that she had a relationship with one Muniswaran son of Dakshinamurthy. He further submitted that this is the second application for bail filed by the petitioner before this Court and the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for granting bail to the petitioner. He further submitted that the investigation in this case has been completed and taken up for trial in Spl.S.C.No.24 of 2025 on the file of the



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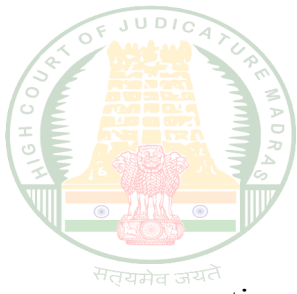
Special Court for the exclusive trial of POCSO Act Cases, Vellore. He further submitted that this is the second application for bail filed by the petitioner before this Court and his first bail application was dismissed as withdrawn on 01.04.2025.

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

6. It is seen from the statement recorded from the victim under Section 183 of BNSS that her father, by tying her hands and legs, had committed penetrative sexual assault on several occasions resulting in bleeding. However, on perusing the medical report of the victim, it is seen that there is no injuries in the labia majora and labia minora of the victim and the Doctor has given a final opinion that no evidence of external injuries on the victim and it is only suggestive of sexual abuse.

7. Considering the above facts and circumstances of the case, the submission made by the learned counsel appearing 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.

8. Accordingly, the petitioner is ordered to be released on bail on his



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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 **Special Judge for exclusive trial of Cases under POCSO Act, Vellore**, 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 appear before the trial Court on all hearing dates, without fail;

[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



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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.

08.07.2025

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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.

To

1. The Special Court for the exclusive trial of POCSO Act Cases, Vellore.
2. The Inspector of Police, Vellore All Women Police Station, Vellore District.
3. The Superintendent, Central Prison, Vellore District.
4. The Public Prosecutor, High Court of Madras.



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M.NIRMAL KUMAR, J.

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