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CRL OP No. 17552 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-07-2025

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 17552 of 2025

Mohamed Faminas

Petitioner(s)

Vs

The State Rep By, The Inspector of
Police

All women police Station, Thiruvarur
Thiruvarur District.

Crime No.09 of 2021.

Respondent(s)

PRAYER

This petition is filed under Section 482 of BNSS to enlarge the petitioner on bail in the event of his arrest in Spl.SC.No.43 of 2021 pending on the file of the Mahila Court, Thiruvarur. (Crime No. 9 of 2021) on the file of the Inspector of police, All Women Police Station, Thiruvarur, Thiruvarur District.

For Petitioner(s): Mr.M Kamesh

For Respondent: Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under 12, 11(1), 11(2), 11(3), 8, 7 of POCSO



Act, 341 and 506(1) of IPC in Crime No.9 of 2021, on the file of the respondent

Police, seeks anticipatory bail.

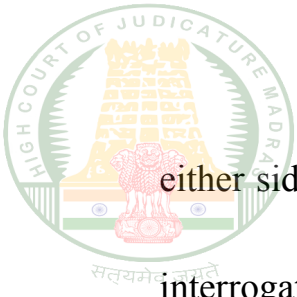
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2. The learned counsel for the petitioner would submit that the petitioner is facing trial in Spl.SC.No.43 of 2021 before the Mahila Court, Thiruvarur. Due to ill-health of the petitioner, he was unable to appear before the Court, due to which NBW was issued against the petitioner and now the petitioner is ready to abide by any stringent condition that may be imposed by this Court and prays for grant of anticipatory bail to the petitioner.

3. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for grant of bail to the petitioner.

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

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



either sides and taking note of the nature of the allegations and since, custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 **Mahila Court Thiruvarur, Thiruvaru District** on condition that the petitioner 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



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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;

[c] the petitioner shall appear before the Trial Court 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



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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];**

[h] 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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To

- 1.The Inspector of Police
Old Pallivasal street,All women police
Station, Thiruvarur District.
2. The Mahila Court, Thiruvarur,
Thiruvarur District.



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M.NIRMAL KUMAR J.

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