



Crl.O.P.No.18033 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2025

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.18033 of 2025

Mr.Rahamathullah

... Petitioner

Vs.

State rep. by
The Inspector of Police
All Women Police Station
Sirkali Police Station
Sirkali, Myladuthurai District
Crime No.13 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. 13 of 2025 on the file of the respondent police.

For Petitioner : Mr.J.H.Batchu

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.05.2025, for the offence punishable under Section 12 r/w 11(1) of POCSO Act, 2012, in connection with Crime No.13 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 spoken obscene words to his own 15 year old minor daughter and exposed his private part to her. The victim girl is said to have informed this incident to her mother and based on that information, the defacto complainant lodged a complaint with the respondent police. 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 07.05.2025. It is the contention of the petitioner that his wife is receiving inappropriate text messages from one Karthick. When the same was questioned by him, a dispute arose between them. Despite the warning, she continued with her activities. Therefore, the petitioner had lodged a complaint on 08.08.2024 and thereafter, she was advised not to have any relationship with third persons. Though she agreed to the jamath, thereafter she continued to have an illegal relationship with third persons. Due to which, the petitioner had attempted to commit suicide by consuming poison and he was admitted in the hospital on 28.04.2025 and was discharged on 03.05.2025. He also submitted that as a counter blast, the defacto complainant



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lodge a complaint against him using petitioner's minor daughter. 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.

4. Learned Additional Public Prosecutor appearing for the respondent police, while opposing for grant of bail to the petitioner submitted that the petitioner has been using inappropriate words to his own minor daughter and also exposing his private part and explaining about the sexual acts with sexual intents to her daughter. Hence, a case has been registered against 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 District and Sessions(POCSO) Judge, Mayiladuthurai** 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;

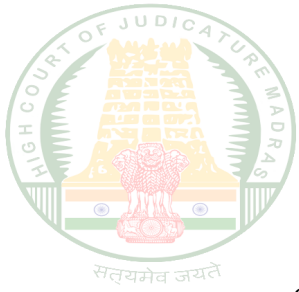
[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for further interrogation;

[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 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**



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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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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 learned District and Sessions(POCSO) Judge, Mayiladuthurai
2. The Inspector of Police
All Women Police Station
Sirkali Police Station
Sirkali, Myladuthurai District
3. The Superintendent,
Central Prison,Cuddalore
4. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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