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Crl.O.P.No.19178 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19178 of 2025

Malarselvam

.. Petitioner

Vs.

The State rep by
The Inspector of Police
AWPS Sethiyathope
Cuddalore District
Crime No. 28 of 2024

... 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.38 of 2025 on the file of the Learned Principal Special Court for
Exclusive trial of cases under POCSO Act, Cuddalore district.

For Petitioner : Mr.K.Balu
for Mr.M.Ragul Kousik
For Respondent : Mr.R.Vinoth Raja
Government Advocate (Crl.side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on
18.12.2024, for the offence punishable under Section 107, 62 of BNS, 2023 r/w
5(f), 5(l), 5(j)(ii) and 6 of POCSO Act, in Crime No.28 of 2024, registered on
the file of the respondent, seeks bail.



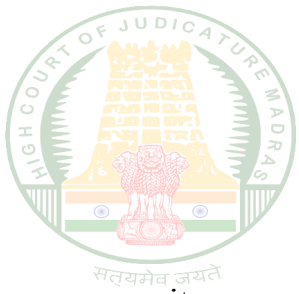
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2. The case of the prosecution is that the petitioner , who is working as Chemistry teacher in the victim's school, restrained the victim in the chemical storage room and committed penetrative sexual assault on her for several times. Due to which, she became pregnant and delivered a male child on 16.12.2024. 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 18.12.2024. 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 Government Advocate (Crl.side) appearing for the respondent police, submitted that the petitioner called the minor victim girl to chemistry lab, committed penetrative sexual assault on her and also threatened her not to disclose the same to anyone. Consequently, the victim girl became pregnant and delivered a male child on 16.12.2024. He submits that in this case investigation has been completed and charge sheet has been filed and the case is now posted for trial. He also submits that the victim girl has been examined as P.W.1 and she had also deposed and the petitioner had also cross-examined the



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witnesses. Hence, he strongly opposed to grant bail to 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 considering 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 **Principal Special Court for Exclusive trial of cases under POCSO Act, Cuddalore district** 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 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;



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[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 SCC 283]**;

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

22.07.2025

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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 Principal Special Court for Exclusive trial of cases under POCSO Act, Cuddalore district.
2. The Inspector of Police
AWPS Sethiyathope
Cuddalore 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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