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CrI.O.P.No.18368 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2025

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.18368 of 2025

S.Panner Selvam

.. Petitioner

Vs.

State rep. by
The Inspector of Police
Fair Land Police Station
Salem City

Crime No. 188 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. 188 of 2025 on the file of the respondent police.

For Petitioner : Mr.V.T.Narendiran

for Mr.A.Bharath Kumar

For Respondent : Mr.A.Gokulakrishnan

Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on
21.05.2025, for the offence punishable under Sections 296(b), 75, 76, 351(2) of
BNS Act, 2023 r/w 4 of TNPWH Act in connection with Crime No.188 of 2025,
registered on the file of the respondent, seeks bail.



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2. The case of the prosecution is that when the defacto complainant was walking alone on the street around 10 pm, the petitioner had molested 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 21.05.2025. It is the contention of the petitioner that he is a medical representative and four years before, a false case has been registered against him as if he misbehaved with a doctor. In that case, charge sheet is yet to be filed. It is his contention that in this case, the defacto complainant had not named the petitioner and stated that unidentified person had attempted to molest her when she was walking on the road alone. 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 Additional Public Prosecutor appearing for the respondent police, while opposing for grant of bail to the petitioner, submitted that the defacto complainant, after completing her work, was proceeding to the bus stand at around 10pm and was walking alone on the street. Taking advantage of her loneliness and the absence of public presence, the petitioner approached the victim girl and molested her. However, the victim girl ran away from the place and later lodged a complaint. There is material evidence available supporting the said incident and the petitioner was identified and arrested. He also submitted that the petitioner is habituated in committing such offences and if he is released on bail, there is every possibility of posing threat to the working women. Hence,he strongly objected 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 Additional**



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Mahila Court, Salem 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 stay at Erode and report before the Erode Town police station everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for further interrogation;

[c] It is made clear that the petitioner shall not enter the jurisdiction of Swarnapuri as well as Fairland area till the completion of the trial.

[d] the petitioner 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;

[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



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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]**;

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

26.06.2025

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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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M.NIRMAL KUMAR, J.

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To

1. The learned Additional Mahila Court, Salem

2. The Inspector of Police
Fair Land Police Station
Salem City

3. The Superintendent,
Central prison, Salem.

4. The Public Prosecutor,
High Court, Madras.

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