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CRL OP No. 18571 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 18571 of 2025

PANDIAN

Petitioner

Vs

The State Rep by, The Station House
Officer,
Neravy Police Station, Karaikal,
Puducherry. Cr.No.101/2025.

Respondent

PRAYER Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in
Cr.No.101/2025, on the file of the respondent police.

For Petitioner: Mr.C.R.Gokulvisvas

For Respondent: Mr.K.S.Mohandoss
Public Prosecutor (puducherry)



ORDER

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The petitioner, who was arrested and remanded to judicial custody on 31.05.2025, for the offence punishable under Section 8 of POCSO Act, 2012 in connection with Crime No.101 of 2025, registered on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 31.05.2025 at 9.00 pm., it is alleged that the petitioner had sexually assaulted the victim child, aged about 9 years old, who is said to be I.E.D Child. Hence on the basis of a complaint lodged by the grandfather of the victim child, this case has been registered against the petitioner.

3.The contention of the petitioner is that the petitioner and the victim's family are neighbours and that there was some dispute in the sharing of using common area and using the victim girl, a false complaint has been lodged. The petitioner has got two daughters and both of them were married and he has also grand children.

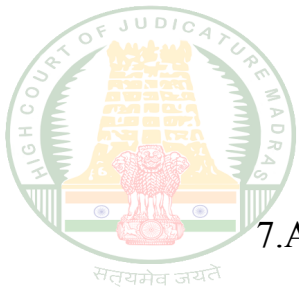


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4. The learned Public Prosecutor (Puducherry) appearing for the respondent police strongly opposed the petitioner's contention stating that there is no enmity between the petitioner and the victim. Further, the victim is eleven years old child having less IQ and taking advantage of the victim girl position, the petitioner had committed sexual assault of the victim. He submitted that the investigation is in crucial stage.

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

6. Considering the facts and circumstances of the case and it is seen that entire incident took place during the Kabaddi match and which is an open area and in that place, the petitioner is said to have placed sexual assault when the victim girl coming along with her cousin brother. Admittedly, the Kabaddi match area was crowded with people and whether the touch was an accidental or sexual intent it is a matter of fact. In view of the same, 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 Special Judge (FAC),

Under the POCSO Act, 2012 at Karaikal, 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 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;



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[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.

01-07-2025

gbi

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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
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- 1.The State Rep by, The Station House Officer,
Neravy Police Station, Karaikal,
Puducherry. Cr.No.101/2025.
- 2.The Special Judge (FAC), Under the
POCSO Act, 2012 at Karaikal.
- 3.The Superintendent
Karaikal Sub-Jail.
- 4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR J.

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