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CRL OP No. 18606 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-07-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 18606 of 2025

1. Mohammed Afsal @ Afsal

Petitioner

Vs

1. State Rep by, The Inspector of
Police,
Podhanur P.S.coimbatore City,
(Cr.No.132/2025)

Respondent(s)

PRAYER Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner on bail in
Cr.No.132/2025 on the file of the respondent police.

For Petitioner(s): Mr.D.Ashok Kumar

For Respondent(s): Mr.R.Vinothraja
Government Advocate (Crl.Side)



ORDER

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The petitioner, who was arrested and remanded to judicial custody on 02.04.2025, for the offence punishable under Sections 5(1) r/w 6, 13, 14(1) of POCSO Act 2012 and Sections 449, 342, 376(3), 506(i) of IPC, in connection with Crime No.132 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner attempted to commit penetrative sexual assault against the minor victim girl, who is aged about 16 years. Hence, the case.

3. The learned counsel for petitioner submitted that the petitioner is an innocent person and he never committed any offence as alleged by the prosecution. He further submitted that a false case has been foisted against the petitioner due to family dispute and the petitioner is in incarceration from 02.04.2025. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.



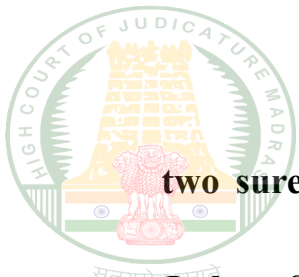
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4. The learned Government Advocate (Crl.side) appearing for the respondent submitted that the victim had given a 164 statement narrating the relationship for a period of time and how the petitioner had forcibly committed penetrative sexual assault. Further, the petitioner threatened the victim that he will expose the nude photographs of both of them in social media. He would also made some lucid comments against the victim's mother. The petitioner committing offense of serious in nature and the forensic report is yet to be received. He fairly submitted that the charge sheet is yet to be filed in this case.

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

6. Considering the facts and circumstances of the case, submissions made by the learned counsels on either side, 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 **Sessions**

Judge, Special Court for Exclusive trial of Cases under POCSO Act,

Coimbatore, 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., and after filing of charge sheet before the Special Court on all hearing dates without fail;**

[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



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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]**;

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

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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.State Rep by, The Inspector of Police,
Podhanur P.S.coimbatore City,
(Cr.No.132/2025)
- 2.The Sessions Judge, Special Court
for Exclusive trial of Cases under
POCSO Act, Coimbatore
3. The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR J.

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