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CrI.O.P.No.18581 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2025

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.18581 of 2025

B.Kumar

... Petitioner

Vs

The State rep. by
The Inspector of Police,
Jolarpet Police Station,
Tirupathur District.
(Crime No.213 of 2025)

... Respondent

Prayer: Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on bail in
connection with the case in Crime No.213 of 2025 pending investigation on
the file of the respondent police.

For petitioner : Mr.C.Harish

For Respondent : Mr.R.Vinothraja

Government Advocate (CrI. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on
12.05.2025, for the offences punishable under Sections 9(m) and 10 of



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Protection of Child from Sexual Offences Act, 2012 (POCSO Act) in connection with Crime No.213 of 2025, registered on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 12.05.2025 at about 1.05 a.m., after visiting the family deity temple, the defacto complainant along with his family were travelling in the train from Kadappa to Salem, at that time, the defacto complainant's minor daughter, who was sleeping suddenly screamed and when enquired, she informed that the petitioner made inappropriate touch on her and sexually harassed her. Hence, the case.

3.The contention of the learned counsel for the petitioner is that the petitioner was travelling in the same train of the victim girl at the early hours of the day and due to nature's call, he woke up and at that time, he accidentally made a touch on the victim. He further submitted that the petitioner had not made any intentional touch on the victim girl. Hence, he prays to grant bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the



respondent police submitted that the petitioner and the victim travelled in the same train and the petitioner made inappropriate touch on the victim girl and sexually harassed her. He further submitted that the victim in her statement under Section 164 of Cr.P.C., confirmed that the petitioner had deliberately touched her. Hence, he strongly opposed for granting bail to the petitioner.

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

6. Considering the submission made on either side and on perusal of the statement under Section 164 Cr.P.C. of the victim, it is seen that there was an attempt to commit sexual assault. However, considering the period of incarceration, 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 District and Sessions Court, Tirupattur 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 appear before the respondent police daily at 10.30 a.m. until further orders;

[c] the petitioner shall make himself available for interrogation by respondent 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 during 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



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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

cse

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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To:

- 1.The District and Sessions Court,
Tirupattur.
- 2.The Inspector of Police,
Jolarpet Police Station,
Tirupathur District.
- 3.The Superintendent,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court Madras.



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M.NIRMAL KUMAR, J.

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