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Crl.O.P.No.19115 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19115 of 2025

S.Prabakaran

... Petitioner

Vs.

The State of Tamil Nadu,
Rep. by The Inspector of Police,
Vellore All Women Police Station,
Vellore.
(Cr.No.14 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime
No.14 of 2025 pending on the file of the respondent.

For Petitioner : Mr.G.Paramasivam

For Respondent : Mr.R.Vinoth Raja
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 15.04.2025, for the offence punishable under Sections 1337(2), 351(2) of
BNS and Section 5(1), 5(m) read with Section 6 of POCSO Act, 2012 in
Crime No.14 of 2025, registered on the file of the respondent, seeks bail.



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2. The case of the prosecution is that the petitioner took the victim girl into to dilapidated building and committed penetrative sexual assault against her and had also given money to her. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He also submit that the petitioner has got some dispute with the victim's grandfather and due to which false case has been lodged against the petitioner. 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, while opposing for grant of bail to the petitioner, reiterated the prosecution case and submitted that investigation completed and charge sheet has been filed.

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



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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 **Special Judge for Exclusive Trial of Cases under POCSO Act-2012, Vellore, Vellore District** 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 trial Court on every Tuesday at 10.30.a.m., and 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.

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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. Special Judge for Exclusive Trial of Cases under POCSO Act-2012,
Vellore, Vellore District
2. The Inspector of Police,
Vellore All Women Police Station,
Vellore.
3. The Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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