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CrI.O.P.No.18763 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.18763 of 2025

Arun Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
W-14 Thiruvottiyur All Women Police Station,
Thiruvottiyur, Chennai.

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.11
of 2025 on the file of the respondent Police.

For Petitioner : Mr.C. Balaji

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on
13.05.2025 for the offences under Sections 5(l), 5(n) and 6 of the Protection of
Children from Sexual Offences Act, 2012 in Crime No.11 of 2025, on the file of
the respondent, seeks bail.



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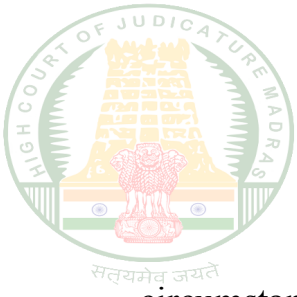
2. The case of the prosecution is that the accused had committed repetitive sexual assault on his sister-in-law, aged about 16 years. Hence the case.

3. The contention of the learned counsel appearing for the petitioner is that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that due to family dispute, a false complaint has been given against the petitioner and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence he prayed for grant of bail.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for granting bail to the petitioner. He further submitted that the statement under Section 183 of BNSS has also been recorded from the minor victim girl.

5. Heard both sides and perused the materials available on record including the statement recorded from the victim girl under Section 183 of BNSS.

6. It is seen from the statement recorded from the minor victim girl that based on the advice given by the third person, who was present at the police station, a false complaint has been given against her sister's husband/petitioner and he has not committed any sexual assault. Thereby, considering the facts and



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circumstances of the case and taking note of the statement recorded from the victim girl under Section 183 of BNSS, 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 Court of Exclusive Trial for Cases under POCSO Act, Tiruvallur 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 respondent Police everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for 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



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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 Honble Apex 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.

08.07.2025

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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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To

1. The Special Court of Exclusive Trial for Cases under POCSO Act,
Tiruvallur District.
2. The Inspector of Police,
W-14 Thiruvottiyur All Women Police Station,
Thiruvottiyur, Chennai.
3. The Superintendent,
Central Prison - II,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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