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Crl.O.P.No.18600 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2025

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.18600 of 2025

Hariharan

... Petitioner

Vs

The State represented byy
The Inspector of Police,
Valparai Police Station,
Coimbatore District.
(Crime No.58 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
Crime No.58 of 2025 pending on the file of the Inspector of Police, Valparai
Police Station, Coimbatore District.

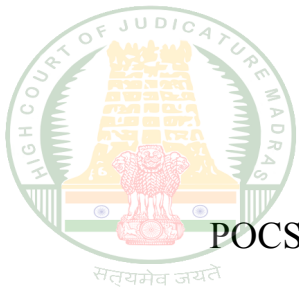
For petitioner : Mr.C.D.Sugumar

For Respondent : Mr.R.Vinothraja

Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on
23.04.2025, for the offences punishable under Sections 5(l) r/w. 6 of



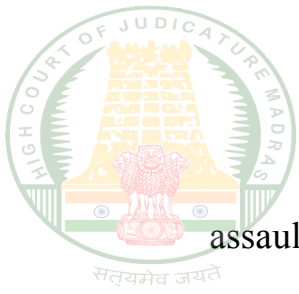
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POCSO Act, 2012 and Sections 87, 127(2) and 65(1) of BNS in connection with Crime No.58 of 2025, registered on the file of the respondent, seeks bail.

2.The case of the prosecution is that the petitioner, who is aged about 25 years abducted the victim girl, who is aged about 15 years and committed penetrative sexual assault. Hence the case.

3.The contention of the learned counsel for petitioner is that the petitioner and the victim girl were in love with each other. He further submitted that the defacto complainant, who is the mother of the victim girl, finding that the love affair of the victim girl with the petitioner would spoil her education, lodged a false case against the petitioner. 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 girl are in love with each other. The petitioner taking advantage of their relationship, took the victim girl to his friend's place and committed penetrative sexual



assault. He further submitted that the victim in her statement under Section 164 of Cr.P.C., confirmed her love relationship with the petitioner and his forcible physical act on 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 the petitioner taking advantage of his love relationship with the victim girl, committed physical assault on her. However, considering the adolescent stage of the petitioner and the victim girl, 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 Principal Special Court for Exclusive trial of cases under POCSO Act, Coimbatore District 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 Principal Special Court for Exclusive trial
of cases under POCSO Act,
Coimbatore District
- 2.The Inspector of Police,
Valparai Police Station,
Coimbatore District.
- 3.The Superintendent,
Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court Madras.



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M.NIRMAL KUMAR, J.

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