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Crl.O.P.No.19004 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19004 of 2025

Marimuthu

... Petitioner/A1

Vs.

The State rep by
The Inspector of Police,
AWPS Palacode Police Station,
Dharmapuri District.
(Crime No.16 of 2025)

... Respondent

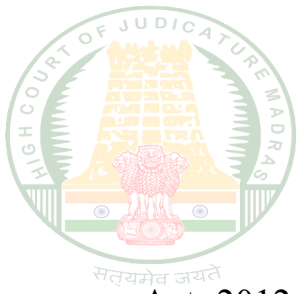
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner on bail pending investigation in Crime No.16 of 2025 on the file of the Respondent police.

For Petitioner : Mr.C.Deepakkumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.05.2025, for the offences punishable under Sections 9(m), 10, 17 of POCSO



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Act, 2012 in connection with Crime No.16 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner bit on the chest of the victim girl, aged about 8 years, with sexual intention. Hence, the case.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is the friend of victim's father. The victim's parents are separated. The victim is residing with her mother and her brother residing in her maternal grandmother's house. On the date of occurrence, the petitioner took the victim to her father's house and made the victim to speak with her father, which has been projected as though the petitioner made improper touch with sexual intent on the victim girl. Hence, he prayed to grant bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case and submitted that the petitioner is the friend of victim's father.



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It is projected as though the petitioner bit the victim girl on her chest at the instance of her father. There is a matrimonial discord between the victim's parents and they are living separately. The victim also gave her statement under Section 164 of Cr.P.C. and the same is produced.

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

6. Considering the submissions made on either side and on perusal of the statement under Section 164 Cr.P.C., it is seen that the victim's parents are living separately. The petitioner is the friend of victim's father. The victim is residing with her mother and brother separately. The petitioner only took the victim girl to speak to her father, which has been projected against him. The victim and her mother went to the Doctor two days after, further there is no bite mark on the victim. It is seen that a matrimonial discord has been magnified and the petitioner has caught into crossfire. In view of the same, 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



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two sureties, each for a like sum to the satisfaction of the **Special Court for Exclusive Trial of Cases under POCSO Court, Dharmapuri**, 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;

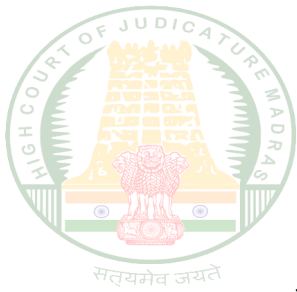
[b] the petitioner shall report before the responent Police everyday at 10.30 a.m. until further orders;

[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 aforementioned conditions have been



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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.The Special Judge,
Special Court for Exclusive Trial of Cases under POCSO Court,
Dharmapuri.

2.The Inspector of Police,
AWPS Palacode Police Station,
Dharmapuri District.

3.The Superintendent,
Central Prison, Salem.

4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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