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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19602 of 2025

Venkatesh ... Petitioner/A1

Vs.

State rep. by
The Inspector of Police,
AWPS Denkanikottai Police Station,
Krishnagiri District.
(Crime No.30 of 2025) ... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner on bail concerned in Crime No.30 of 2025 on the file of the respondent police.

For Petitioner : Mr.D.Gnanasounari

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

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O R D E R

The petitioner, who was arrested and remanded to judicial custody on 19.06.2025, for the offence punishable under Sections 9(m) and 10 of POCSO Act in connection with Crime No.30 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner made bad touch on the de-facto complainant's daughter, who is aged about 11 years and kissed the victim's girl's mouth. 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 and de-facto complainant are neighbours and already there was a family dispute between them. The petitioner is aged about 60 years and having heart ailments. Hence, he prayed for grant of bail to the petitioner.

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4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the the petitioner and de-facto complainant are neighbours. The petitioner is aged about 60 years and victim is aged about 11 years. The petitioner is said to have hugged and kissed the victim girl and made bad touch 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 submissions made and on perusal of the material, it is seen that the petitioner and de-facto complainant are neighbours. The petitioner is aged about 60 years and victim is aged about 11 years. The contention of the petitioner is that he had no sexual intent and the victim is of his granddaughter's age. In view of the same, this Court is inclined to grant bail to the petitioner with certain conditions.

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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 **Sessions Judge, Fast Track Mahila Court, Krishnagiri** 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 every day 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;

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[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.

18.07.2025

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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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M.NIRMAL KUMAR, J.

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To

1.The Sessions Judge,
Fast Track Mahila Court, Krishnagiri.

2. The Inspector of Police,
AWPS Denkanikottai Police Station,
Krishnagiri District.

3.The Superintendent,
Central Prison, Salem.

4.The Public Prosecutor,
High Court of Madras.

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