



Crl.O.P.No.20445 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.20445 of 2025

Dhanush

... Petitioner/A2

Vs.

The State rep by
The Inspector of Police,
AWPS – Omalur Police Station,
Salem District.
(Crime No.49 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.49 of 2025 on the file of the Respondent police.

For Petitioner : Mr.E.C.Ramesh

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.06.2025, for the offences punishable under Section 126(2), 296(b), 351(2) of



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BNS, 2023 and Sections 11(i) r/w 12 of POCSO Act, 2012 in connection with Crime No.49 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that when the de-facto complainant/victim, aged about 15 years, was returning from her school, at that time A1/Sakthivel abused the victim girl in a filthy language. This was questioned by the victim's father, for which, A1/Sakthivel attacked him and he was admitted in the hospital. On the next day, when the victim went to visit her father in the hospital, the petitioner along with other accused followed her and used abusive language in a drunken mood. 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 there is previous enmity between A1 and victim's father, hence, a false case has been foisted against the petitioner. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.



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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 in this case there are totally 3 accused, the petitioner is ranked as A2. The victim in her statement under Section 164 Cr.P.C. narrated all the happenings 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 A1/Sakthivel seems to be followed the victim girl and used abusive words, which was questioned by the victim's father and he was assaulted by the said Sakthivel. Later the victim called her uncle, who took the victim's father to the hospital. On the next day, when the victim went to visit her father, at that time the petitioner along with other accused followed her and abused her in a filthy language. The petitioner is said to have thrown a small stone on the victim's back. The victim confirmed the same in her 164 statement. 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, Principal POCSO Court, Salem** 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 30 days 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 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



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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.



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M.NIRMAL KUMAR, J.

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To

1.The Sessions Judge,
Principal POCSO Court, Salem.

2.The Inspector of Police,
AWPS – Omalur Police Station,
Salem District.

3.The Superintendent,
Central Prison, Salem.

4.The Public Prosecutor,
High Court of Madras.

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