



Crl.O.P.No.20185 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.20185 of 2025

S.Prabu

... Petitioner/Accused

Vs.

State by its
The Inspector of Police,
Katpadi All Women Police Station,
Vellore District.
(Crime No.22 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.22 of 2025 on the file of the Respondent police.

For Petitioner : Mr.G.Nirmal Krishnan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.04.2025, for the offences punishable under Sections 296(b) of BNS, 2023 r/w



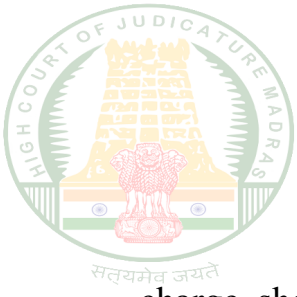
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Sections 9(m), 10 of POCSO Act, 2012 (corresponds to Section 294 of IPC) in connection with Crime No.22 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the de-facto complainant's daughter/victim is aged about 3 years. The allegation is that the petitioner kissed the victim on her lip and attempted to commit sexual assault. 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. The petitioner is neighbour to the victim and also friend of victim's father. He further submitted that the investigation in this case completed and charge sheet filed. Hence, he prayed to grant bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that the petitioner is neighbour to the victim. In this case, the victim is not in a position to give statement under Section 164 Cr.P.C., therefore it was recorded from the victim's mother. He further submitted that the investigation in this case completed and



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charge sheet filed in Spl.S.C.No.90 of 2025 on the file of Special Court for Exclusive Trial of Cases under POCSO Act, Vellore.

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 is the neighbour to the victim and also friend of victim's father. Further, Section 164 Cr.P.C. statement recorded from the victim's mother. The petitioner is said to have given a kiss on the victim's lip, who is aged about 3 years. Further, in this case investigation completed and charge sheet filed in Spl.S.C.No.90 of 2025 on the file of Special Court for Exclusive Trial of Cases under POCSO Act, Vellore. 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 **two sureties**, each for a like sum to the satisfaction of the learned **Special Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Vellore**, and on further conditions that:

[a] the sureties shall affix their photographs and Left



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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 trial Court on all hearing dates without fail;

[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 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]**;



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[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 Act,
Vellore.
- 2.The Inspector of Police,
Katpadi All Women Police Station,
Vellore District.
- 3.The Superintendent,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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