



Crl.O.P.No.10176 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.20175 of 2025

Hanifa

... Petitioner

Vs.

State rep by
The Inspector of Police,
The W34 Ennore AWPS
Cr.No.19 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner on bail, in the case pending investigation in Cr.No.19 of 2025 on the file of the respondent police.

For Petitioner : Mr.R.Loganathan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.05.2025, for the offences punishable under Section 5(n), 7, r/w 8 of POCSO Act, 2012 in connection with Crime No.19 of 2025, registered on the file of the respondent, seeks bail.



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2. The case of the prosecution is that the petitioner/accused is the husband of the sister of the victim's mother. The victim child is aged about 14 years old. She was sexually harassed by the petitioner/accused. On the date of incident i.e., on 05.05.2025 at around 08.00 p.m., after dinner, the victim child was staying at the home. When the victim child was sleeping, the petitioner had started sexual harassment by touching the chest of the victim and kissed her. On 11.05.2025, the accused had forced the victim to sleep with him, kissed her and also touched breast and external genitals and also he was lying on the victim. The wife of the accused saw the attitude of the accused. The wife of the accused who is none other than the own sister of the victim's mother. Later, a complaint was lodged against the accused.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. The petitioner is in judicial custody from 13.05.2025. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.



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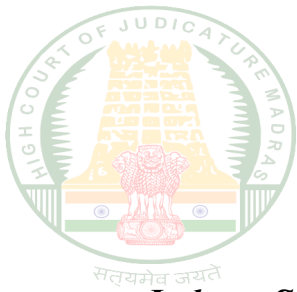
4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case and submitted that the statement of the victim girl under Section 164 of Cr.P.C was recorded.

5. Heard both sides and perused the materials available on record including the statement of the victim girl under Section 164 of Cr.P.C .

6. A perusal of the statement of the victim girl under Section 164 of Cr.P.C reveals that the victim child does not state anything about the petitioner committing penetrative sexual assault on her.

7. Considering the submissions made on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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**



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Judge, Special Court for Exclusive Trial of cases under POCSO Act,

Tiruvallur, 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;

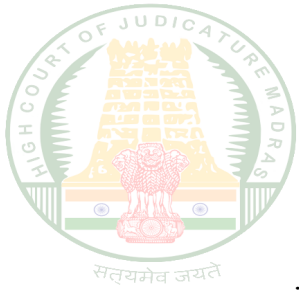
[b] the petitioner shall report before the respondent Police everyday at 10.30 a.m. until further orders;

[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]**;

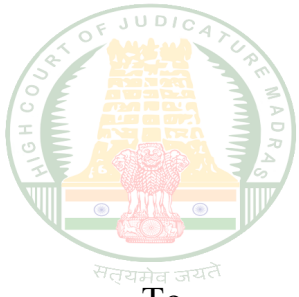
[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

25.07.2025

Vv

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
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- 1.The Sessions Judge,
Special Court for Exclusive Trial of cases
under POCSO Act, Tiruvallur
- 2.The Inspector of Police,
The W34 Ennore AWPS
- 3.The Central Prison, Puzhal-II.
- 4.The Public Prosecutor,
High Court of Madras.



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