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Crl.O.P.No.21154 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.21154 of 2025

Kamalesh Raj

... Petitioner

Vs.

The Inspector of Police,
W-30, All Women Police Station,
Poonamallee
(Cr.No.9 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.9 of 2025 pending on the file of the respondent Police.

For Petitioner : Mr.R.Subburaj

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.06.2025, for the offence punishable under Sections 9(1), 9(n), 9(i) of Protection of Child from Sexual Offences Act, 2012 and U/s 9 and 10



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Prohibition of Child Marriage Act, 2006, in Crime No.9 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the defacto complainant is the wife of A1 and aunty of the petitioner/A2. The alleged victim girl is the daughter of A1 and the defacto complainant. Thereafter, there was a wordy quarrel between the husband and wife pertaining to petitioner's/A2 visit to his uncle (A1) house. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. 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.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case.



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

6. Considering the submissions made on either side, it is seen that the petitioner and the victim girl loved each other and it was not accepted by the parents of the victim girl and hence, the case is projected as if the petitioner has committed sexual assault against the victim girl. The victim in her 164 Statement has not whispered anything about the petitioner. Further, this Court had granted bail to the father of the victim girl in Crl.O.P.No.20330 of 2025 on 18.07.2025. Further, there was some dispute between the parents of the victim girl. 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 Court for Exclusive Trial of Cases under POCSO Act, Tiruvallur** and on further conditions that:



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[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 daily at 10.30.a.m., for a period of three weeks 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 conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions



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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.

29.07.2025

dna

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.

dna

To

1.The Special Court for Exclusive Trial of Cases under
POCSO Act, Tiruvallur.

2.The Inspector of Police,
W-30, All Women Police Station,
Poonamallee
(Cr.No.9 of 2025)

3.The Central Prison, Puzhal.

4.The Public Prosecutor,
High Court of Madras.

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