



Crl.O.P.No.20923 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.20923 of 2025

Santhosh

.. Petitioner

Vs.

State rep by
The Inspector of police
Jolarpet Police Station
Jolarpet, Thirupathur District
Crime No.193 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.
193 of 2025 on the file of the respondent police.

For Petitioner : Mr.Krishnasamy Chinnasamy

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.07.2025, for the offence punishable under Sections 126 and 137 of BNS, Act, 2023 and Sections 3(b) and 4 of Protection of Children from Sexual Offences act, 2012 in Crime No. 193 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 along with other accused person had committed penetrative sexual assault on the minor victim girl .Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is in no way connected with the alleged offence, however, he is suffering incarceration from 03.07.2025. 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.

4. Learned Government Advocate (Crl.side) appearing for the respondent police, while opposing for grant of bail to the petitioner, submitted that the petitioner along with other accused had committed penetrative sexual assault on the minor victim girl. He also submits the 164 statement had also been recorded from the minor victim girl.

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



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6. Considering the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side, it is seen that the petitioner along with one Rahul forcibly took the victim girl to the backyard of the house. The petitioner is said to have hugged the victim girl and thereafter, the said Rahul allegedly closed the victim's mouth and the petitioner had forced the victim to remove her clothes. It is further alleged that the petitioner was in drunken state and proposed the victim girl.

7. At this stage, the learned counsel for the petitioner submitted that petitioner has filed an affidavit undertaking that he will not approach and cause any disturbance in any manner to the victim or her family members.

8. Considering the period of incarceration undergone by the petitioner and also taking note of the undertaking given by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

9. 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 **District and Sessions Judge, Tirupattur** 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 report before the respondent police daily 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 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



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can be registered under Section 269 of B.N.S.

04.08.2025

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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.

To

1. The District and Sessions Judge, Tirupattur
2. The Inspector of police
Jolarpet Police Station
Jolarpet, Thirupathur District
3. The Superintendent,
Central Prison, Vellore.
4. The Public Prosecutor
High Court, Madras.

M.NIRMAL KUMAR, J.

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