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Crl.O.P.No.21587 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-10-2025

CORAM
THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.21587 of 2025

M. Subramaniam

Vs

... Petitioner/ Accused

1. The Deputy Superintendent of Police,
Coimbatore.

2. The Inspector of Police,
Pollachi, Coimbatore.
(Crime No.32 of 2024)

3. Madhavi

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on anticipatory bail in the event of arrest by the respondent in Spl.S.C. No.99 of 2025 pending before the learned Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore in Crime No.32 of 2024 on the file of the respondent police.

For Petitioner : Mr. Ganesh NS

For R1 and R2 : Mr. S. Udayakumar
Government Advocate (Crl.Side)

For R3 : No Appearance

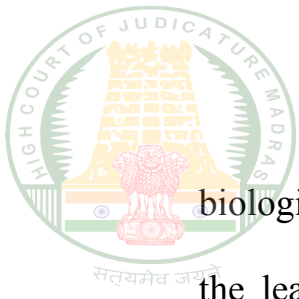
ORDER



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The petitioner, who apprehends arrest at the hands of the respondent police in Spl.S.C. No.99 of 2025 pending before the learned Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore, for the offences punishable under Sections 366 and 343 of Indian Penal Code, 1860, Sections 5(I), 5(j)(ii) and 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3(1)(w)(i) and 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities Act, 1981) Act in Crime No.32 of 2024 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the victim girl, who is aged about 17 years belongs to Scheduled Caste community and she was working under one Kannusamy; that Kannusamy taking advantage of the age of the victim girl has committed penetrative sexual assault; that thereby, the victim girl got pregnant and subsequently, gave birth to a female child, hence a complaint was lodged against Kannusamy. Subsequently, the respondent police registered the case in Crime No.32 of 2024, conducted investigation and filed final report in Spl.S.C.No.99 of 2025 against Kannusamy. However, the DNA test conducted excluded the accused Kannusamy as the



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biological father and the subsequent statement of the victim girl recorded by the learned Judicial Magistrate, Madukarai on 11.07.2025 states that the petitioner has also committed penetrative sexual assault on the victim girl.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case and the petitioner apprehends arrest by the respondent during the course of investigation of this case, hence approached this Court seeking anticipatory bail. He further submitted that there is no communal based violence in this case, hence the case does not attract SC/ST Act. He further submitted that this Court, vide order dated 12.08.2025 directed the petitioner to co-operate for DNA testing and accordingly, the petitioner had co-operated for the same and the DNA test also concluded, hence sought for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and submitted that the DNA test report has been received, which does not show any conclusive opinion regarding the involvement of the petitioner in impregnating the victim girl. He further submitted that the earlier 164 Cr.P.C statement of the victim girl does not disclose the name of the petitioner herein and only



based on the subsequent statement recorded from the victim girl, the petitioner was implicated in this case; and that the case is now posted for further investigation, hence opposed the grant of anticipatory bail to the petitioner.

5. I have considered the submissions made on either sides and perused the materials available on record including the 164 Cr.P.C statement of the victim girl and the DNA report received from the Forensic Sciences Department.

6. Considering the facts and circumstances of this case, the DNA report received from the Forensic Sciences Department excluded the petitioner herein from the paternity of the victim's child and since custodial interrogation of the petitioner is not necessary for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Special**



Court for Exclusive Trial of Cases under POCSO Act, Coimbatore on

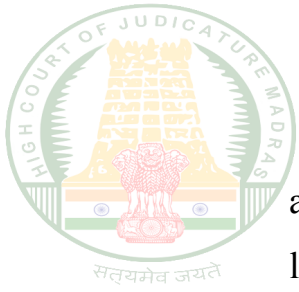
condition that the petitioner shall execute a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of fifteen days from the date on which the order copy made ready, this Order shall stand automatically cancelled;

[b] 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;

[c] 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. It is also made clear that the petitioner shall co-operate for the enquiry and also for further medical examinations, if any to be conducted by the respondent police.

[d] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass



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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]**;

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

06.10.2025

stn

To

1. The Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore.
2. The Deputy Superintendent of Police, Coimbatore.
3. The Inspector of Police, Pollachi, Coimbatore. (Crime No.32 of 2024)

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4. The Public Prosecutor,
High Court of Madras.



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K. RAJASEKAR, J.

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