



Crl.O.P.No.21245 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.21245 of 2025

Sarathi

... Petitioner

Vs.

State Rep.by
The Inspector of Police,
All Women Police Station,
Denkanikottai,
Krishnagiri District.
(Crime.No.33 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.33 of 2025 pending investigation on the file of the respondent Police.

For Petitioner : Mr.E.Kannadasan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 06.07.2025, for the offence punishable under Sections 9(m), 9(f) of



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Protection of Children from Sexual Offence Act, in Crime No.33 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that on 04.07.2025, the victim child refused to go to school, on enquiring, she revealed that on 03.07.2025 as usual the victim child went to school and during lunch hours all the children went to answer natural calls, at that time, the petitioner asked the child to wait and pinched her breast, due to that she raised sound, for which, he beaten on her face with hands and also twisted her hands. Thereafter, after consulting with her husband, the defacto complainant who is the mother of the victim preferred a complaint before the respondent police on 06.07.2025. 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.



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

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

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side, 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 **Judicial Magistrate No.II, Tirupattur** 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;



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[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 have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by



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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.

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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.

To

1.The Judicial Magistrate No.II, Tirupattur.

2.The Inspector of Police,
All Women Police Station,
Denkanikottai,
Krishnagiri District.
(Crime.No.33 of 2025)

3.The District Jail, Dharmapuri.

4.The Public Prosecutor,
High Court of Madras.

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This matter is posted today under the caption 'For being mentioned' at the instance of the learned counsel for the petitioner.

2. When the matter is taken up for hearing, the learned counsel for the petitioner brought it to the notice of the Court that in the order, the offences under Section 10 of Protection of Children from Sexual Offence Act 2012 had been inadvertently omitted.

3. In view of the same, necessary corrections to be carried out in the order as follows:-

i) In the 2nd line of 1st Paragraph of the Order dated 29.07.2025, the offence punishable under Sections “ 9(m), 9(f) of Protection of Children from Sexual Offence Act” shall be replaced with “9(m), 9(f), 10 of Protection of Children from Sexual Offence Act”.

4. Registry is directed to issue fresh order copy by incorporating the above said changes.

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