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Crl.O.P.No.23363 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2025

CORAM

THE HONOURABLE Dr.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.23363 of 2025

Gnanasekar

... Petitioner

Vs.

State Rep by its:
Inspector of Police,
All Women Police Station,
Vandavasi.
(Crime No.30 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.30 of 2025 on the file of the Respondent Police.

For Petitioner : Mr.N.Subramanian

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner herein on 26.06.2025, the minor victim girl, has
given a complaint to the respondent police alleging that she had been
subjected to sexual intercourse by the petitioner for nearly three months and



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is now carrying a fetus. The respondent police arrested this petitioner on 26.06.2025 for the offences under Sections 5(i), 5(j)(ii) read with 6(1) of the POCSO Act, 2012 and Section 351(3) of the BNS, in Crime No.30 of 2025, registered on the file of the respondent, seeks bail.

2. The learned Government Advocate (Crl.Side) submits that the foetus has been sent for DNA analysis and the report is awaited. However, the material collected and the final report have already been filed.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person, since the defacto complainant is a minor girl who demanded money from the petitioner, and when he refused to give it, she had given a false complaint. He also submitted that the defacto complainant has a habit of giving complaints under POCSO offences, and a similar complaint against one Krishnamurthy is pending trial.

4. The learned Government Advocate (Crl.Side) appearing for the respondent, on verification of records, states that the defacto complainant has given a similar complaint against one Krishnamurthy in Crime No.13 of



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2024 on the file of All Women Police Station, Vandavasi. The victim girl is now in the custody of Christo Jyothi Children Home for counselling.

5. Considering the fact that the investigation was completed and the final report filed, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Sessions Judge, Special Court for Exclusive Trial Case under POCSO Act, Tiruvannamalai** 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 Trial Court on all working days without fail.**



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[c] 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]**;

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

22.08.2025

drl

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

1.The Sessions Judge,
Special Court for Exclusive Trial Case
under POCSO Act, Tiruvannamalai.

2.The Inspector of Police,
All Women Police Station,
Vandavasi.

3.The Superintendent,
Central Prison, Vellore.

4.The Public Prosecutor,
High Court of Madras.

Dr.G.JAYACHANDRAN, J.



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