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Crl.OP.No.22517 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2025

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THE HONOURABLE MR.JUSTICE **K.RAJASEKAR**

Crl.O.P.No.22517 of 2025

Kumar

... Petitioner

Vs.

State Rep by

The Inspector of Police,
Melchengam Police Station,
Thiruvannamalai District..
(Cr.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 Inspector of Police, Melchengam Police
Station,Thiruvannamalai District..

For Petitioners : Mr.S.Silambu Selvan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on
19.06.2025, for the offence punishable under Section 65(2) of BNS, 2023
(376AB of IPC) r/w Section 5(m), 6(1) of POCSO Act 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 as per the defacto complainant is that while her younger daughter playing near coconut groove in her agricultural land, the petitioner committed sexual assault on the minor victim girl, who is aged about 6 years. 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 19.06.2025. He also submits that there was a property dispute between the petitioner and the defacto complainant and in this regard, FIR also been registered and he also produced a copy of 3 FIR's including the present 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, reiterated the prosecution case and submitted that in this case, investigation has been completed and final report has been filed and the same is yet to be taken on file. Hence, he opposed for grant of bail to the petitioner.



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

6. The allegation against this petitioner is that the petitioner is the adjacent land owner of the defacto complainant's land. While the defacto complainant's minor daughter was alone in the house, the petitioner took her in a secluded place and committed sexual assault.

7. Considering the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side, considering the period of incarceration undergone by the petitioner, also considering the fact that final report in this case is also filed, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Special Judge for Exclusive Trial of Cases under POCSO Act, Thiruvannamalai, Thiruvannamalai District** 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 stay at Ulundurpet and report before the Inspector of police, Ulundurpet Town Police Station, Kallakurichi District daily at 10.30a.m., until further orders.

[c] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions have been imposed and the petitioners 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.

17.09.2025

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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 Special Judge for Exclusive Trial of Cases under POCSO Act, Thiruvannamalai, Thiruvannamalai District.

2. The Inspector of Police,
Melchengam Police Station,
Thiruvannamalai District.

3. The Inspector of police,
Ulundurpet Town Police Station, Kallakurichi District

4. The Superintendent,
Central Prison, Vellore.

5. The Public Prosecutor
High Court, Madras.



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K.RAJASEKAR, J.

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