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Crl.O.P.No.23416 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.23416 of 2025

Santhosh

... Petitioner

Vs.

The State Rep. by:
The Inspector of Police,
All Women Police Station,
Attur, Salem District.
(Crime No.49 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in
connection with Crime No.49 of 2025 on the file of the respondent police.

For Petitioner : Mr. T.I. Ramanathan

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



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 28.06.2025, for the offence punishable under Section 87 of BNS and Section 5(1) of POCSO Act, 2012 in Crime No.49 of 2025, registered on the file of the respondent, seeks bail.

2. According to the prosecution, on a complaint given by a minor child alleging that the petitioner herein had called her to his home and tried to forcibly have sexual intercourse. Hence, the present complaint.

3. The learned counsel appearing for the petitioner submitted that, due to previous enmity a false complaint was lodged against this petitioner and further submitted that since the investigation is completed, the petitioner may be released on bail. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police opposed the grant of bail to the petitioner and also produced the CD file and medical report. He further submitted that the



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investigation is completed and final report is yet to be taken on file.
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5. Heard both sides and this Court on perusing the CD file and medical report 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, Principal POCSO Court, Salem** 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 attend the trial 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

stn

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,
Principal POCSO Court, Salem.
 2. The Inspector of Police,
All Women Police Station,
Attur, Salem District.
(Crime No.49 of 2025)
 3. The Superintendent,
Central Jail, Salem.
 4. The Public Prosecutor,
High Court of Madras.



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Dr. G. JAYACHANDRAN, J.

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