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Crl.OP.No.23951 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2025

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.23951 of 2025

Santhanam,
S/o.Ramachandran

... Petitioner

-VS-

State rep by,
The Inspector of Police,
Pappireddipatti Police Station,
Dharmapuri District.
(Crime No.77 of 2025)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. / 483 of BNSS Act, pleaded to enlarge the petitioner on bail pending investigation in Crime No.77 of 2025 on the file of the respondent police.

For Petitioner : Mr.J.Pradeep

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.04.2025 for the alleged offences punishable under Sections 5(1)(n) r/w 6(1) of POCSO Act @ Section 5(1)(n), 5(j)(ii) r/w 6(1) of POCSO Act in Crime No.77 of 2025 on the file of the respondent police, seeks bail.

2. The case of prosecution is that the victim girl was aged about 17 years and studying 12th standard at Government Girls Higher Secondary School, Pappireddipatti. The petitioner / accused is the father of the victim girl. There was a family dispute between this petitioner and the mother of the victim and both were living separately and the victim and her brother are residing with this petitioner. There is love affair between the victim girl and one Pradeesh for the past one year, through Instagram. On coming to know the same, the petitioner warned the victim. On 24.01.2025 the petitioner had forcible sexual intercourse with the victim girl and subjected for her sexual abuse. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl. Side) appearing for



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respondent would submit that the petitioner was committed sexual offence and the complaint was given by the mother of the victim, the victim had love affair with A2. He would submit that the investigation is almost completed and if he is released on bail, he would hamper the investigation and tamper the witnesses. Hence, he strongly opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances and also the fact that the victim girl now under the custody of her parents, 164 statement also recorded, she had love affair with A2 and also the fact that the investigation is almost completed, and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on interim bail on his executing bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the *learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Dharmapuri* and on further conditions that:

(a) the sureties shall affix their photographs and left



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thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall appear before the respondent police on every Saturday at 10.30 a.m. for the period of three months and the petitioner not to have any communication with the victim girl and co-operate the trial proceedings;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the 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) AIR SCW 5560]***; and;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.



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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 learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Dharmapuri.
- 2.The Inspector of Police,
Pappireddipatti Police Station,
Dharmapuri District.
- 3.The Superintendent of Prison,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court, Madras

T.V.THAMILSELVI, J.



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