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Crl.O.P.No.23867 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2025

CORAM

THE HONOURABLE MR JUSTICE K.RAJASEKAR

Crl.O.P.No.23867 of 2025

Sarath Kumar

... Petitioner/Accused

Vs.

The State represented by
The Inspector of Police,
All Woman Police Station,
Tiruttani.
(Crime No.41 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.41 of 2025 on the file of the respondent police.

For Petitioner : Mr.L.Ramu

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 24.07.2025 for the alleged offences punishable under Sections **232, 351(2) of BNS, in Crime No.41 of 2025 on the file of the respondent police,** seeks bail.

2. The case of the prosecution is that the petitioner is the accused in a POCSO case. A complaint has been lodged by the defacto complainant for causing sexual assault on the defacto complainant's daughter. Subsequently, the petitioner released on bail in that case, thereafter, this petitioner went to the School of the victim girl and threatened her. Hence, the complaint. He was arrested and remanded to Judicial Custody on 24.07.2025.

3. The learned counsel appearing for the petitioner states that since the petitioner was released on bail in other case, false complaint has been lodged and POCSO case is only pending “for appearance of the petitioner”. He was not aware about the stage of POCSO case and threatening the defacto complainant is not logically possible. He further submitted that the



petitioner is in Judicial custody from 24.07.2025 (for the past 60 days).

Hence, he prayed for grant of bail to the petitioner.

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4. The learned Government Advocate (Crl.Side) appearing for the respondent police reported that the investigation is not completed and final report is yet to be filed. He further submitted that the POCSO case is posted for appearance of the petitioner on 15.10.2025. Hence, he opposed grant of bail to the petitioner.

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

6. Considering the facts and circumstances of the case, the period of incarceration and the main case is yet to be started, 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.20,000/- (Rupees Twenty Thousand Only)** with **two sureties**, for a like sum to the satisfaction of the **learned**



**Sessions Judge, Special Court for Exclusive Trial of Case under
POCSO Act 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 the0 identity proofs to ensure their identity;

[b] the petitioner shall stay at Vellore Town Police Station daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

[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]**;



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

22.09.2025

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 Sessions Judge, Special Court for Exclusive Trial of Case under POCSO Act.
- 2.The Inspector of Police,
All Woman Police Station,
Tiruttani.
(Crime No.41 of 2025)
- 3.The Superintendent,
Central Prison, Puzhal.
- 4.The Public Prosecutor
High Court of Madras,
Chennai 600 104.

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K.RAJASEKAR, J.

dna

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