



Crl.O.P.No.24548 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2025

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.24548 of 2025

David

... Petitioner

Vs.

State rep by:-

The Inspector of Police,
All Women Police Station,
Tiruttani, Thiruvallur District.
(Crime No.36 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.36 of 2025 on the file of the respondent police.

For Petitioner : Mr.V.Venugopal

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.07.2025 for the alleged offence under Sections 137(1)(b) of BNS and Sections 9(1) r/w 10 of POCSO Act 2012, in Crime No.36 of 2025, on the file of respondent police, seeks bail.



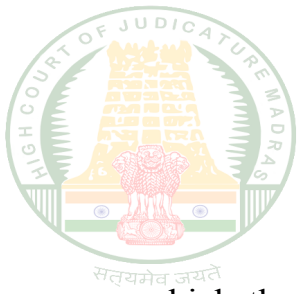
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2. The case of the prosecution is that, on 05.05.2025 the petitioner / accused asked the victim minor child aged about 13 years to enter the number into his mobile phone, the victim help the accused at that time the accused sexually misbehaved the victim thereafter again on 20.06.2025 at about 7.00 a.m, in the morning hours the accused pulled the victim hand and picked up the child into his land and touch the private part and sexually assaulted the minor child thereafter the victim disclosed entire facts to his mother then the defacato complainant mother of the victim child had lodged a complaint before the respondent police on 13.07.2025.

3. The learned counsel for the petitioner submitted that the petitioner is a neighbouring landowner of the victim boy and has been falsely implicated, as though he had misbehaved with the victim. He further submits that the petitioner has been suffering incarceration from 13.07.2025. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submitted that on the date of occurrence, the petitioner attempted to sexually assault the victim boy, for



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which the victim's parents lodged the complaint. He further submitted that the statement of the victim under Section 164 Cr.P.C. has been recorded. He also submitted that the petitioner has no previous bad antecedents and that the investigation has been completed. Hence, he opposed to grant bail to the petitioner.

5.Considering the facts, the submissions made by both counsels, and the fact that the investigation is almost complete, 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 bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, **in which one surety must be a blood surety** for a like sum to the satisfaction of the *learned Session Judge POCSO Court, Thiruvallur*, and on further conditions that:

(a) the sureties shall affix their photographs and left 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;



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(b) the petitioner shall report before the respondent police every alternative days at 10.30 a.m. for a period of three months.

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

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

(e) on breach of any of the aforesaid conditions, the Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the 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;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

(g) the petitioner shall not communicate with the victim boy and his family members.

09.09.2025

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- 1.The Session Judge, POCSO Court, Thiruvallur.
- 2.The Inspector of Police,
All Women Police Station,
Tiruttani, Thiruvallur District.
3. The Superintendent of Prison, Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor, High Court of Madras.

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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T.V.THAMILSELVI, J.
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