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Crl.O.P.No.26189 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-09-2025

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.26189 of 2025

Divya

... Petitioner

Vs

The State rep. by,
The Inspector of Police
AWPS, Valsaravakkam,
Thiruvallur
(Crime No.13 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in
Crime No.13 of 2025 on the file of the respondent police.

For Petitioner(s) : Mr.K. Thenrajan

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



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 19.08.2025 for the offence under Sections 77 of BNS Act and Section 66 E of I.T. Act in Crime No.13 of 2025, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and other accused were taking care of the daughter of the defacto complainant who is a mentally retarded person. It is alleged that the petitioner and other accused were taken nude photographs of the victim girl and recorded the same in the mobile phone. Hence a case was registered by the respondent police.

3. The learned counsel appearing for the petitioner submitted that the petitioner and the other accused were only servants and the entire house is under CCTV surveillance. He further submitted that as the victim girl is an insane person the defacto complainant in various circumstances had instructed to take photographs, due to which the petitioner and other accused have taken the photographs and they are in custody from 19.08.2025 . However, the petitioner is ready to abide by any conditions



that may be imposed by this Court and sought for bail to the petitioner.

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4.The learned Government Advocate (Criminal Side) appearing for the respondent while opposing the bail to the petitioner, reiterated the prosecution case and submitted that the petitioner and other accused ill treated the victim girl. He further submitted that the nude photographs were not misused by the petitioner and the other accused and major part of the investigation in this case is completed.

5.Considering the facts and circumstances of the case, the period of incarceration undergone by the Petitioner and the nude photographs were not misused by the petitioner and the other accused and major part of the investigation in this case is completed, this Court is inclined to grant bail to the petitioner herein with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail on their 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 Judicial Magistrate No.1, Poonamallee 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



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of the identity proofs to ensure their identity;

[b] **the petitioner shall report before the respondent daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation. It is made clear that the petitioner shall not enter into the jurisdictional limit of the respondent police other than the hearing dates before the Trial Court, 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 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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

23.09.2025

smn

Note:



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1. Registry is directed to forthwith upload this order in the Official Website of this Court.

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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 Inspector of Police
AWPS, Valsaravakkam,
Thiruvallur

2. The Judicial Magistrate No.1, Poonamallee

3. The Superintendent, Women Prison, Puzhal

4. The Public Prosecutor,
High Court of Madras.

K. RAJASEKAR, J.

smn



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