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Crl.OP.No.26456 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2025

CORAM

THE HONOURABLE MR JUSTICE K.RAJASEKAR

Crl.O.P.No.26456 of 2025

Murugan

... Petitioner

Vs.

The State rep.by
The Inspector of Police,
All Women Police Station,
Sathyamangalam,
Erode District.
(Cr.No.23 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.23 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Thirumoorthy

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl. Side)



ORDER

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The petitioner, who apprehends arrest for the alleged offence under Section 351(2) of BNS r/w Section 7, 8 of POCSO Act, 2012 in Crime No.23 of 2025, on the file of the respondent police seek anticipatory bail.

2. The allegation against the petitioner is that while the victim girl was alone in her house, the petitioner had entered into the house and called her and forcibly touched her hand and thighs. Hence, the present case.

3. The learned counsel appearing for the petitioner submitted that due to previous enmity, this false complaint has been lodged against the petitioner. He further submitted that it is not a case of penetrative sexual assault and no custodial interrogation of the petitioner is not required. Hence, he prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and reported that the statement of the victim girl has been recorded before the learned Magistrate under Section 183 of BNSS, the same has been produced before the Court. Hence, he opposed to grant anticipatory bail to the petitioners.



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5. Heard both sides and perused the materials available on record including the statement of the victim girl has been recorded before the learned Magistrate under Section 183 of BNSS.

6. Considering the nature of allegations, the submissions made by both counsel, I am of the view that the custodial interrogation of the petitioner in this regard is not necessary. Hence, I am inclined to grant anticipatory bail to the petitioner, subject to certain conditions. .

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen (15) days from the date on which the order copy made ready, before the learned **Sessions Court, (Fast Track Mahila Court), Erode** on condition that each of the petitioners shall execute separate bonds for a sum of **Rs.20,000/- (Rupees Twenty Thousand only) with two sureties** each for a like sum to the satisfaction learned Magistrate concerned, and on further condition that:

(a) If the petitioner fails to surrender before the concerned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;



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(b) 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 identify proofs to ensure their identity;

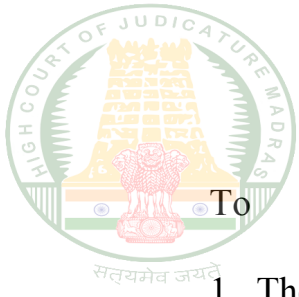
(c) The petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]*;

(e) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

25.09.2025

Vv



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To

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1. The Sessions Court, (Fast Track Mahila Court), Erode
2. The Inspector of Police,
All Women Police Station,
Sathyamangalam,
Erode District.
3. The Public Prosecutor
High Court of Madras,
Chennai 600 104.



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K.RAJASEKAR, J.

Vv

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