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Crl.OP.No.27277 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2025

CORAM

THE HONOURABLE MR JUSTICE **K.RAJASEKAR**

Crl.O.P.No.27277 of 2025

Mailsami @ Mayilsamy

... Petitioner

Vs.

State Rep by
The Station House Officer,
AWPS Kallakurichi Police Station,
Kallakurichi District.
(Cr.No.56 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in
pending investigation in Cr.No.56 of 2025 on the file of the respondent
police

For Petitioner : Mr.V.Gunasekar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on
15.08.2025 for the alleged offence under Section 5(1), 6 of POCSO Act.

2. The case of the prosecution is that the victim and the petitioner
came to know through instagram and nearly six months loved each other



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and subsequently taking advantage of her loneliness, the petitioner had committed sexual assault on her and thereafter refused to talk with her and blocked the number. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any such offence as alleged by the prosecution. The petitioner is in judicial custody from 15.08.2025. He further submitted that the petitioner is ready to abide by any conditions that may be imposed by the this Court. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and He further submitted that the the statement of the victim girl recorded under Section 183 of BNS before the learned Magistrate. Hence, he opposed to grant bail to the petitioner.

5. Heard both sides and I have gone through the the statement of the victims recorded under Section 183 of BNS before the learned Magistrate.

6. Considering the facts and circumstances of the case, the submissions made by both counsel, the petitioner is in custody from 15.08.2025 and considering the age of the petitioner and various incidents narrated by the victim in her statement, I am inclined to grant bail to the



petitioner with certain conditions.

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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 **Judicial Magistrate-I, Kallakurichi** 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 of the identity proofs to ensure their identity;

[b] the petitioner shall stay at **Thiruvannamalai** and report before the **Inspector of Police, Town Police Station, Thiruvannamalai** daily at **10.30 a.m.**, until further orders, except on the hearing dates fixed by the Trial Court concerned. 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



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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 absconds, a fresh FIR can be registered under Section 269 of B.N.S.

08.10.2025

Vv

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 **Judicial Magistrate-I, Kallakurichi**
2. The Station House Officer,
AWPS Kallakurichi Police Station,
Kallakurichi District.
3. The District Jail, Vedampattu, Villupuram.
4. The Public Prosecutor,

4/5



High Court of Madras.

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K.RAJASEKAR, J.

Vv

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