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CRL OP No. 28055 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-10-2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 28055 of 2025

SUTHINKUMAR

Petitioner(s)

Vs

The State Rep by, The Inspector of
Police,
AWPS Thirukoilur Police Station,
Kallakurichi District. Cr.No.104/2025.

Respondent(s)

PRAYER Criminal Original Petition filed under Section 483 of BNSS, to release the petitioner on bail pending investigation in Cr.No.104/2025 on the file of the respondent and thus render justice.

For Petitioner(s): Mr.G.Mageshkumar

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



ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.09.2025, for the offences punishable under Section 329(4) of BNS, 2023 r/w Section 7 & 8 of POCSO Act, 2012, in Crime No.104 of 2025, registered on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein, aged about 20 years, had touched the victim girl with bad intention. Hence, the complaint.

3. The learned Counsel for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case. He further submit that the petitioner is no way connected with the alleged offence. He also submits that the petitioner has been suffering incarceration from 16.09.2025. He further submits that it is not the case of penetrative sexual assault and hence, he seeks to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police by producing the statement of victim girl submitted that FIR



is registered only very recently and the investigation is pending. Hence, he vehemently opposed to grant bail to the petitioner.

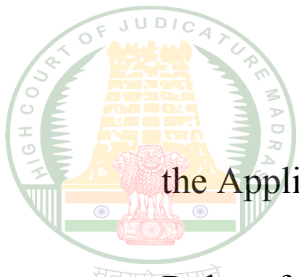
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5. Heard both sides and perused the materials available on record.

6. This Court has gone through the statement of the victim girl and it reveals that it is not the case of penetrative sexual assault and the statement also reveals that the petitioner attempted to touch her breast inappropriately and considering the age of the petitioner and also considering the period of incarceration undergone by the petitioner from 16.09.2025, 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 executing a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) with two sureties, for a like sum to the satisfaction of the *learned Principal District and Sessions Judge, Kallakurichi* and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in



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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 Erode and report before the Judicial Magistrate No.I, Erode everyday at 10:30 a.m., 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 absconds, a fresh FIR can be registered under Section 269 of B.N.S.

14-10-2025

gbi

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
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1. The State Rep by, The Inspector of Police,
AWPS Thirukoilur Police Station,
Kallakurichi District. Cr.No.104/2025.
2. The Principal District and Sessions Judge, Kallakurichi.
3. The District Jail, Villupuram.
4. The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR J.
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