



Crl.O.P.No.29501 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-12-2025

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.29501 of 2025

Saravanan

... Petitioner/ Accused

Vs

The State Rep. By,
The Inspector of Police,
AWPS, Dharmapuri.

... Respondent/ Complainant

PRAYER: This criminal original petition has been filed under Section 483(2) of BNSS to set aside the order dated 08.09.2025 in Crl.M.P.No.253 of 2025 in Spl.S.C.No.162 of 2024 on the file of the Hon'ble Special Court to deal with cases related to POCSO Act, Dharmapuri.

For Petitioner(s)

: Mr. R.C. Paul Kanagaraj
For Mr. N.v. Pressanna

For Respondent

: M/s. J.R. Archana
Government Advocate (Crl.Side)



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ORDER

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This criminal original petition has been filed to to set aside the order dated 08.09.2025 in Crl.M.P.No.253 of 2025 in Spl.S.C.No.162 of 2024 on the file of the Hon'ble Special Court to deal with cases related to POCSO Act, Dharmapuri.

2. The case of the petitioner is that, the petitioner herein was granted bail by this Court, vide order dated 12.09.2024 in Crl.O.P.No.22469 of 2024 for the offence under Sections 5(1) r/w 6 of POCSO Act in Crime No.25 of 2024 on the file of the respondent police with one of the conditions that, the petitioner shall not directly or indirectly make any inducement or threat to any persons acquainted with the facts of this case and if any breach of the aforesaid condition, the learned Judicial Magistrate concerned can take appropriate action for cancellation of the bail; that whiles, the Trial Court had cancelled the bail granted to the petitioner on the ground that there is a threat to the victim in this case and subsequently, issued NBW as against the petitioner, hence challenging the same, the present petition has been filed.

3. The learned counsel appearing for the petitioner submitted that, except the oral submission made by the prosecution that there is a threat to the



victim, no other materials produced before the Trial Court to substantiate the allegations; that the Trial Court also taken note of the fact that the petitioner's daughter has also lodged a complaint indicating that there is a threat to their family and in this regard, a criminal case is also registered, however without any material or proof to substantiate the case of the prosecution that there is a threat to the victim, the bail granted to the petitioner has been cancelled, hence prays to set aside the cancellation of bail order passed in Crl.M.P.No.253 of 2025 dated 08.09.2025.

4. The learned Government Advocate (Crl. Side) appearing for the respondent while opposing this petition stated that since the victim in this case was severely threatened by the petitioner herein, the prosecution has filed a petition to cancel the bail granted to the petitioner herein; that subsequently, the Trial Court properly considered the same and cancelled the bail granted to the petitioner herein, hence prays to confirm the same.

5. I have considered the submissions made on both sides and perused the materials available on record. It is alleged that the petitioner herein had threatened the victim and her relatives in this case and admittedly, the same was also denied by the petitioner. However, the Trial Court had not considered the fact that there was no material produced before the Trial Court to substantiate



the prosecution case that the victim was threatened, but it is preceded that the same was established before the Trial Court and it is observed that the conduct of the victim fortifies the prosecution case, hence I am of the view that this observation is based on no material and further, time and again, held by the Apex Court that, cancelling the bail requires strong ground and it cannot be cancelled on presumption or without any supporting materials.

6. In view of the above, this Court is of the view that the reasons stated by the Trial Court is not proper and accordingly, the order passed in Crl.M.P.No.253 of 2025 dated 08.09.2025 in Spl.S.C.No.162 of 2024 on the file of the Hon'ble Special Court to deal with cases related to POCSO Act, Dharmapuri is hereby set aside. Consequently, the NBW issued as against the petitioner is directed to be recalled, the bail bond executed by the petitioner herein is restored, the petitioner is directed to appear before the Trial Court on the next date of hearing and the Trial Court is directed to proceed with the trial.

7. Accordingly, this criminal original petition is allowed.



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To

1. The Special Judge,
Special Court to deal with cases related to POCSO Act, Dharmapuri.
2. The Inspector of Police,
AWPS, Dharmapuri.
3. The Public Prosecutor,
High Court of Madras.

K. RAJASEKAR, J.

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