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Crl.O.P.No.28665 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-10-2025

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.28665 of 2025

Ramesh Kumar

... Petitioner/ Accused

Vs

The State rep. by,
The Inspector of Police,
Vellore All Women Police Station,
Vellore District.
(Crime No.37 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.37 of 2025 on the file of the respondent police.

For Petitioner(s) : Mr. B. Jawahar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.09.2025 for the offences punishable under Sections 7, 8, 9(n) r/w. 10 of POCSO Act, 2012 in Crime No.37 of 2025, registered on the file respondent police, seeks bail.

2. The case of the prosecution is that the petitioner herein is the step father of the minor victim girl and taking advantage of her loneliness, he had sexually assaulted her. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated and he is in custody since 02.09.2025. He also submitted that it is not the case of penetrative sexual assault and the petitioner herein had married the victim's mother, who divorced her first husband and based on the instigation of the victim's father, a false complaint was lodged against the petitioner with ulterior motive; and that 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 (Crl. Side) appearing for the respondent while opposing the bail to the petitioner reiterated the prosecution case and stated that the statement of the victim is recorded; and that the investigation of this case is yet to be concluded.

5. I have considered the submissions made on both sides and perused the materials available on record, including the statement of the victim girl.

6. Considering the facts of the case, though in the statement of the victim girl, various facts has been narrated against the petitioner, it is not the case of penetrative sexual assault and considering the period of incarceration undergone by the petitioner, 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 his executing a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** with **two sureties each**, for a like sum to the satisfaction of the



learned Special Court for Exclusive Trial of Cases under POCSO Act,

Vellore and on further conditions that:

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[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 Erode and report before the learned Judicial Magistrate - I, Erode daily at 10:30 a.m., until further orders. It is made clear that the petitioner shall not enter into the jurisdictional limit of the respondent police;**

[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]**;



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[d] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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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 Special Court for Exclusive Trial of Cases under POCSO Act, Vellore.
2. The Judicial Magistrate - I, Erode.
3. The Inspector of Police,
Vellore All Women Police Station,
Vellore District.
(Crime No.37 of 2025)
4. The Superintendent,
Central Prison, Vellore.



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K. RAJASEKAR, J.

stn

5. The Public Prosecutor,
High Court of Madras.

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