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Crl.OP.No29851 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2025

CORAM

THE HONOURABLE MR JUSTICE **K.RAJASEKAR**

Crl.O.P.No.29851 of 2025

Sankar

... Petitioner

Vs.

The State rep by
Inspector of Police
Salem Railway Police,
Salem District.
(Cr.No.344 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Cr.No.344 of 2025 on the file of the Inspector of Police, Salem Railway Police, Salem District.

For Petitioner : Mr.G.A.Thiyagarajan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.10.2025, for the alleged offence punishable under Section 75(1) of BNS in Cr.No.344 of 2025, on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that on 07.10.2025 at about 10.00p.m., the defacto complainant commenced her journey from Bangalore to Erode by Coimbatore Express Train. When the train was reaching Salem Junction on 08.10.2025 at about 03.20 a.m., the petitioner has inappropriately touched the defacto complainant. On her complaint, the respondent police has registered the case. Hence, the present case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he had accidentally fell down on the victim. He has not committed any such offence as alleged by the prosecution. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and reported that there is no previous case against the petitioner and the investigation is still pending. Hence, he opposed for grant of bail to the petitioner.

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



6. Considering the submissions of the learned counsel on either side, the period of incarceration undergone by the petitioner and no previous case reported, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, for a like sum to the satisfaction of the learned **Additional Mahila Court, Salem** 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 report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter as and when required for interrogation;



[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] 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]**;

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

03.11.2025

Vv

Note :

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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 **Additional Mahila Court, Salem**

2. The Inspector of Police
Salem Railway Police,
Salem District.

3. The Central Prison, Salem.

4. The Public Prosecutor,
High Court of Madras.

K.RAJASEKAR, J.



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