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Crl.O.P.No.29872 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.29872 of 2025

Dasthakir

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Baluchettychatram Police Station,
Kancheepuram District.
(Crime No.252 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner/Accused on bail in
Crime No.252 of 2025 on the file of the respondent police.

For Petitioner : Mr.A.Vinoth Kumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 23.08.2025, for the offence punishable under Sections 87, 65(1) , 351(2)
of BNS and Sections 5(1), 6(1) and 17 of POCSO Act, 2012 in Crime
No.252 of 2025 registered on the file of the respondent, seeks bail.



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2. The case of the prosecution is that the petitioner is the relative of the victim and he had developed contact with the victim aged about 14 years through phone and also induced her to come with him and accordingly, kidnapped her and committed penetrative sexual assault and subsequently, it revealed that the petitioner is a married man and his wife is 7 month pregnant. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is the relative of the victim girl and she has voluntarily come with the petitioner and the petitioner had not made sexual assault. Hence, he prays to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police opposed the grant of bail to the petitioner, reiterating the prosecution case and submitted that the investigation in this case has not yet been completed.

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



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6. Considering the statement of the victim and taking into account the period of incarceration, 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 the Exclusive Trial of Cases under POCSO Act at Kancheepuram (Principal District and Sessions Court), Kancheepuram,** 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;



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[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.

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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.Special Court for the Exclusive Trial of Cases under POCSO Act at Kancheepuram (Principal District and Sessions Court), Kancheepuram,
- 2.The Inspector of Police,
Baluchettychatram Police Station,
Kancheepuram District.
- 3.The Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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