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Crl.O.P.No.31516 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2025

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.No.31516 of 2025

Thangavelu @ Kundan

... Petitioner

-Vs-

State Rep by,
The Inspector of Police,
Tiruvannamalai All Women Police Station,
Tiruvannamalai District.
(Crime No.41 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 483 of BNSS Act, 2023, pleaded to enlarge the petitioner on bail in Crime No.41 of 2025 pending on the file of the respondent police.

For Petitioner : Mr.S.Thiyagarajan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.07.2025, for the alleged offence punishable under Sections 137(2), 296(b) of BNS and Section 92(b), 92(d) of Rights of Person with Disabilities Act, 2016 and Section 7, 8 of POCSO Act, 2012 @ Section 75(1)(i), 75(2), 87 of BNS and



Section 9(m), 9(n), 9(i), 9(1), 9(k), 10 of POCSO Act, in Crime No.41 of 2025, on the file of the respondent police, seeks bail.

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2. The allegation against the petitioner is that he committed sexual assault on the victim girl aged about 9 years, who is also a mentally retarded. Based on the complaint, he was arrested and he is in judicial custody.

3. Learned counsel appearing for the petitioner submitted that the petitioner was not involved in the alleged offence and that he has been falsely implicated in this case. He further submitted that the investigation is completed and the final report has also been filed. He further submitted that the petitioner was arrested and he is in judicial custody since 05.07.2025. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that in this case, final report was also filed and the same was taken on file in Special S.C.No.228 of 2025 on the file of POCSO Court, Tiruvannamalai. However, he opposes to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions made by the learned counsel on both sides, and upon perusal of the records and the statement of the victim girl, it is



seen that the present case is not the case of penetrative sexual assault. Further, taking into account the period of incarceration already undergone by the petitioner, and the fact that the investigation has been completed and the final report has also been also filed, this Court is inclined to grant bail to the petitioner.

8. 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, for a like sum to the satisfaction of the *learned Sessions Judge, Special Court for Exclusive Trial Cases under POCSO Act, Tiruvannamalai*, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the concerned Court daily at 10.30 a.m., for a period of three weeks. However, it is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent police, until further orders;

[c] the petitioner shall not abscond either during



investigation or trial;

[d] the petitioner shall not tamper with the evidence or

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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the 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)AIR SCW 5560];

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

19.11.2025

drl

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.



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To

1.The Sessions Judge,
Special Court for Exclusive Trail Cases under
POCSO Act, Tiruvannamalai District.

2.he Inspector of Police,
Tiruvannamalai All Women Police Station,
Tiruvannamalai District.

3.The Superintendent,
Central Prison, Vellore.

4.The Public Prosecutor,
High Court, Madras.



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K. RAJASEKAR, J.

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