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Crl.O.P.No.30612 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.30612 of 2025

Kumar

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Vaniyambadi AWPS,
Tirupattur District.
(Crime No.26 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.26 of 2025 pending on the file of the respondent Police.

For Petitioner : M/s.A.Arivusudar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 24.08.2025, for the offence punishable under Sections 7 and 8 of POCSO
Act read with Sections 74, 75(1)(i) of BNS Act, 2023 in Crime No.26 of
2025, registered on the file of the respondent, seeks bail.



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2. The allegation against the petitioner is that the petitioner, who is the neighbor of the victim girl had stalked her and on the date of occurrence, he had taken advantage of her loneliness, had committed penetrative sexual assault on her and also continuously harassed her. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is in custody from 24.08.2025 and it is not the case of penetrative sexual assault and the investigation is completed in this case and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) opposed for grant of bail to the petitioner by reiterating the prosecution case and also submitted that investigation in this case has been completed and final report also filed.

5. I have gone through the statement of victim child and considering the fact that it is not the case of penetrative sexual assault and the petitioner is in custody from 24.08.2025 and also the fact that the investigation in this case has been completed and final report also filed, this Court is inclined to grant bail to the petitioner with certain conditions:



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6. 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**, each for a like sum to the satisfaction of the learned **District and Sessions Judge at Tirupattur** 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 stay at Salem report before the Judicial Magistrate No.I, Salem on all working day at 10.30.a.m., for a period of one month;

[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



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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.

11.11.2025

sma

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 District and Sessions Judge, Tirupattur.

2.The Inspector of Police,
Vaniyambadi AWPS,
Tirupattur District.

3.The Sub Jail, Tirupattur.

4.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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