



Crl.O.P.No.30795 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.30795 of 2025

Sham Divakar

... Petitioner

Vs.

The State represented by
The Inspector of Police,
All Women Police Station,
Vellore, Vellore District.
(Crime No.38 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.38 of 2025 pending on the file of the respondent Police.

For Petitioner : M/s.G.Vinodhkumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 23.09.2025, for the offence punishable under Sections 351(2), 75(2),
78(2) of BNS and Section 11(4), 12 of POCSO Act, 2012 in Crime No.38 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 stalked with the victim girl and thereafter obtained phone number and continuously harassed her and also forced her for his sexual favours. Hence, she lodged the complaint.

3. The learned counsel appearing for the petitioner submitted that it is not a case of penetrative sexual assault and the petitioner is in custody from 18.08.2025 and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that, investigation completed and final report also filed.

5. Considering the allegations against the petitioner 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:

6. Accordingly, the petitioner is ordered to be released on bail on



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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 **Special Judge for Exclusive Trial of Cases under POCSO Act, Vellore** 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;



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[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

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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.



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To

- 1.The Special Judge for Exclusive Trial of Cases under POCSO Act, Vellore.
- 2.The Inspector of Police,
All Women Police Station,
Vellore, Vellore 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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