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Crl.O.P.No.32742



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2025

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.No.32742 of 2025

Siva

... Petitioner

-VS-

State Rep by,
The Inspector of Police,
AWPS-Pallavaram Police Station,
Chennai District.
(Crime No.17 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 483 of BNSS, 2023, to enlarge the petitioner on bail in Crime No.17 of 2025 on the file of the respondent police.

For Petitioner : Mr.D.Padmanabhan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.07.2025 for the alleged offence punishable under Sections



5(1),5(g),5(j)(ii),6(1) of POCSO Act, 2012 and Section 67B of IT Act, in Crime No.17 of 2025 on the file of the respondent police, seeks bail.

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2. The allegation against the petitioner is that the petitioner is a friend of the defacto complainant. It is alleged that the petitioner along with other accused entered into the house of the defacto complainant and committed penetrative sexual assault on the victim, amounting to gang rape, due to which she was admitted in the hospital. Hence, a complaint was lodged and the petitioner was arrested.

3. The learned counsel appearing for petitioner submitted that the petitioner, aged 19 years, is an innocent person and has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody since 01.07.2025. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent police reiterated the prosecution case and submitted that it is a gang rape and that the statement of the victim was also recorded. He further submitted that the investigation is completed and the final report filed. Hence, he opposed 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 either



side, the fact that it is a gang rape and the petitioner is alleged to have committed penetrative sexual assault, and on perusal of the statement of the victim which discloses various disturbing facts and further considering the overt act attributed against the petitioner, and also considering the period of his 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, for a like sum to the satisfaction of the *learned Judicial Magistrate No.1, Alandur, Chengalpattu District*, 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 and thereafter as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial;

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



witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the

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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.

04.12.2025

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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Crl.O.P.No.3274



To

1.The Judicial Magistrate No.I,
Alandur, Chengalpattu.

2.The Inspector of Police,
AWPS-Pallavaram Police Station,
Chennai District.

3.The Superintendent,
Central Prison Puzhal-II, Chennai.

3.The Public Prosecutor,
High Court, Madras.



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K. RAJASEKAR, J.

drl

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