



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-12-2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 33270 of 2025

Prakash Thurai. T

Petitioner(s)

Vs

The State Rep. by The Inspector of
Police,
W-5 All Women Police Station,
Selaiyur, Chennai

Respondent(s)

PRAYER Criminal Original Petition filed under Section 482 of BNSS, pleaded to _grant and enlarge the Petitioner on Anticipatory Bail in the event of arrest in FIR in Cr. No. 45 of 2025 dated 24.11.2025, pending investigation on the file of the Respondent Police.

For Petitioner(s):
For Intervenor

Mr.Swarnavel
Mr.M.Sarfudeen Ali Ahamed



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For Respondent(s): Ms.J.R.Archana
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 9(1), 9(m), 9(n) and 10 of POCSO Act read with Sections 354 and 506(ii) of IPC, in Crime No.45 of 2025, on the file of the respondent police, seek anticipatory bail.

2.The allegation against the petitioner is that the petitioner is the father of the victim girl aged about 13 years. The petitioner has married the defacto complainant in the year 2011 and it is alleged in the FIR that after the birth of daughter / victim girl, the petitioner herein has used to sexually harass the defacto complainant and also used to say wild comments with the defacto complainant and also the victim girl. In the year 2019, the petitioner had committed sexual assault on the victim girl. Thereafter, in the year 2022, the defacto complainant and her daughter return back to India from United States and the victim girl has regularly informed her mother that she was feeling unwell and she sustained psychological disorder due to the assault made by her



father. Hence, the present complaint.

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3.The learned counsel for the petitioner submitted that while the defacto complainant and the petitioner were living together at United States, the very same allegations were levelled and concerned department at United States have also conducted enquiry and found they are false and thereafter she has also approached the various authorities making false allegations against the petitioner. Subsequently in the year 2022, after she returned to India, she had also approached the Family Court seeking divorce and other reliefs against the petitioner and the same was also obtained behind the back of the petitioner herein and the divorce is also granted. Even thereafter there was no access to the father with the victim girl and further when the petitioner taking steps to set aside the order of the divorce, the defacto complainant has come forward with the false complaint with a view to harass the petitioner. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and prays to grant anticipatory bail.



4.The learned counsel for the Intervenor submitted that even after returning to India, the victim girl is suffering from various physiological disorders and by relying on the diagnosis made by the National Institute of Empowerment of Multiple Disabilities stated that even now the victim is having physiological complications including negative thoughts about others and OCD symptoms etc., and if the petitioner is granted anticipatory bail, it would hamper the investigation and opposed to grant anticipatory bail.

5.The learned Government Advocate (Crl.Side) for the respondent reported that the FIR is registered only very recently, investigation in this case is pending and opposed to grant anticipatory bail.

6.I have considered the submissions made on either side and perused the materials available on record.

7.Admittedly, there was complaints made by the defacto complainant while they were living at Illinois, United States, which was also investigated by



the concerned department. Apart from that, in the year 2022 itself, the defacto complainant returned to India and she initiated various matrimonial proceedings including divorce and thereafter she had come forward to lodge the complaint in the year 2025. Further, the alleged occurrence took place in the year 2019 and it is not the case of penetrative sexual assault, therefore, this Court is of the view that custodial interrogation of the petitioner is not required for the purpose of investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the Special Court for Exclusive Trial of POCSO Cases, Chengalpattu**, on condition that the petitioner shall execute a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the



petition for anticipatory bail shall stand dismissed and on further condition that:

[a]the petitioner and 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 respondent police everyday at 10:30 a.m., for a period of three weeks and thereafter as and when required for interrogation.

[c]the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d]the petitioner shall not abscond either during investigation or trial.

[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 of B.N.S.



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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
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1. The State Rep. by The Inspector of Police,
W-5 All Women Police Station,
Selaiyur, Chennai
2. The Special Court for Exclusive Trial
of POCSO Cases, Chengalpattu.
3. The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR J.
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