



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-12-2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP NO.33462 of 2025

Devaraj

Petitioner

Vs

The State Represented by

The Inspector of Police,
All Women Police Station,
Sankari, Salem District.
Crime No.71 of 2025.

Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.71 of 2025, on the file of the respondent police.

For Petitioner:

Mr.S.Jeyakumar

For Respondent:

Mr.A.Gopinath
Government Advocate (Crl.side)

Page 1 of 8



WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.10.2025 for the alleged offence punishable under Sections 87 of BNS, Sections 5(1) r/w Section 6 of POCSO Act, 2012 in Crime No.71 of 2025 on the file of the respondent police, seeks bail.

2. The allegation against the petitioner is that the petitioner is a neighbour and taking advantage of the age of the victim, induced and lead her to a lonely place and committed penetrative sexual assault. Hence, a complaint was lodged and the incident was disclosed by the victim to her family members. Subsequently, a case was registered, and the petitioner was arrested.

3. Learned counsel appearing for the petitioner submitted that there exists a property dispute between the petitioner and the victim's father and therefore, the petitioner is falsely implicated in this case. He further submitted that the petitioner is in judicial custody since



27.10.2025. Hence, he prayed to grant bail to the petitioner.

WEB COPY

4. Learned Government Advocate (Crl.Side) appearing for the respondent reiterated the prosecution case and submitted that the victim is only 14 years old and the petitioner has committed aggravated sexual assault, and that the investigation is pending. Hence, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. On perusal of the FIR and other connected materials, it is seen that the petitioner is alleged to have committed aggravated penetrative sexual assault. It is further noted that the incident was not immediately intimated to the family members of the victim and was disclosed after some time.

7. Considering the above facts, the submissions of the learned counsel on either side, and also considering the period of his incarceration, this Court is inclined to grant bail to the petitioner with



certain conditions.

WEB COPY

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 The Sessions Judge, Principal POCSO Court, Salem* 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 at Cuddalore and report before Judicial Magistrate No.I, Cuddalore, 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 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];

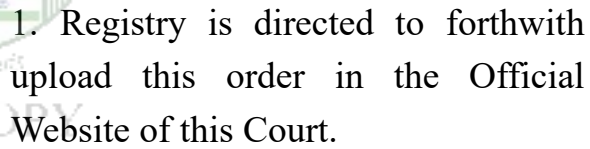
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

08.12.2025

drl

Note:

Page 5 of 8



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.

1.The Sessions Judge,
Principal POCSO Court, Salem.

3.The Superintendent, Central Prison, Salem.

4. The Public Prosecutor, High Court, Madras.



WEB COPY



K.RAJASEKAR, J.,

drl

CRL OP NO.33462 of 2025



WEB COPY



08.12.2025