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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-12-2025

CORAM

**THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**CRL OP NO.34232 of 2025**

Yogesh Kumar @ Yogesh

Petitioner

Vs

The State Represented by  
The Inspector of Police,  
Vellore Taluk Police Station,  
Vellore District.  
Crime No.243 of 2025.

Respondent

**PRAYER :** Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner in Crime No.243 of 2025 on the file of the respondent police.

**For Petitioner:**

Mr.D.Thirumoorthy

**For Respondent:**

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

**ORDER**

The petitioner, who was arrested and remanded to judicial custody on 19.11.2025 for the alleged offence punishable under Sections 332(b),

Page 1 of 6



351(3), 64(2)(m) of BNS Act, 2023 and Section 5(1), 5(j)(ii) r/w 6(1) of Protection of Child from Sexual Offences Act, 2012 in Crime No.243 of 2025 on the file of the respondent police, seeks bail.

2. The allegation against the petitioner is that he is a neighbour of the victim girl, aged 16 years and has taken advantage of her loneliness had committed penetrative sexual assault. Hence, a case was registered and the petitioner was arrested.

3. Learned counsel appearing for the petitioner submitted that the petitioner is a physically disabled person with 50% disability and also suffering from mental illness, and that he has been falsely implicated in this case. He further submitted that the petitioner is ready to abide by any conditions that may be imposed by this Court. He further submitted that the victim's mother had earlier lodged a complaint in the year 2024 against one Venkatesan in Crime No.26 of 2024 on the file of All Women Police Station, Vellore for similar allegations. Hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent reiterated the prosecution case and submitted that it is a case of penetrative sexual assault and the investigation is still pending. Hence,



he opposed to grant bail to the petitioner.

5. Considered the submissions made by the learned counsel on either side, and on perusal of the FIR and other connected materials, it is seen that an allegation of penetrative sexual assault has been made against the petitioner. Taking into account the earlier similar complaint lodged by the victim's mother and considering the period of his incarceration, 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 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 Special Judge for Exclusive Trial of cases under POCSO Act, 2012, Vellore* 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 stay at Salem and report before the learned Judicial Magistrate No.I, Salem



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**daily at 10.30 a.m., for a period of four weeks.**

[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.

**18.12.2025**

*drl*



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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.

**To**

1. The Special Judge for Exclusive Trial of cases under POCSO Act, 2012, Vellore.
2. The Inspector of Police,  
Vellore Taluk Police Station,  
Vellore District.
3. The Superintendent,  
Central Jail, Vellore.
4. The Public Prosecutor,  
High Court, Madras.



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**K.RAJASEKAR, J.,**

drl

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