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CRL OP No.35646 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-12-2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

CRL OP No. 35646 of 2025

Kirubakaran
S/o. Balu,
No.53, No.241, Perumal Koil Street,
Maduravoyal Post, Madurayoval,
Chennai.

Petitioner(s)

Vs

State Rep By,
The Inspector of Police,
AWPS, Virugambakkam,
Tiruvallur District.
(Crime No.32/2025)

Respondent(s)

PRAYER :To enlarge the petitioner on bail in Crime No.32/2025 on the file of the Inspector of Police, All Women Police Station, Virugambakkam, Tiruvallur District.

For Petitioner(s): Mr.P.Chandrasekar

For Respondent(s): Mr.S.Vinoth Kumar
Government Advocate
(Crl. Side)



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ORDER

The petitioner / Accused, who was arrested and remanded to judicial custody on 27.10.2025 for the offences punishable under Sections 351(2) of BNS Act, Section 7 of POCSO Act r/w. Section 8 of POCSO Act, 2012 in Crime No.32 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is an Auto driver and he committed sexual assault on the minor victim children who were aged about 10 and 12 years, while they were travelling in the petitioner's Auto. Hence the case.

3. The learned counsel appearing for the petitioner would submit that based on the false complaint lodged by the defacto complainant, the respondent police has registered a case against the petitioner. The petitioner has not committed any offence as alleged in the FIR and the petitioner is an Auto driver who used to take the victim girls to the school and he has no way connected with the said offence and he has been



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arrested and remanded to judicial custody on 26.10.2025. Therefore, prayed to grant bail for the petitioner.

4. The learned Government Advocate appearing for the respondent would submit that the offences are grave in nature. The petitioner while taking the minor children to school through his Auto misbehaved with them and caused sexual assault and thereby mother of the victim children lodged a complaint and the investigation is pending and hence, he strongly opposed to grant bail to the petitioner.

5. This Court heard both sides and perused the materials available on record including the CD file.

6. Considering the rival submissions made by the learned counsel on either side, nature of offence and that material part of investigation is over and the statement of victim children under Section 183 of BNSS was also recorded and no previous case is pending against the petitioner and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following

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conditions:

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[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the POCSO Court, Thiruvallur and on further conditions that:

[b] the petitioner shall report before the respondent police at 10.30 a.m., for a period of thirty days and thereafter as and when required for interrogation.

[c] the petitioner shall not commit any offence similar to the offence of which she is accused, or suspected, or of the commission of which she is suspected;

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

[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action



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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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

30.12.2025

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl / rna

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 Inspector of Police, AWPS, Virugambakkam, Tiruvallur District.
2. The POCSO Court, Thiruvallur.
3. The Superintendent, Central Prison, Puzhal.
4. The Public Prosecutor, High Court, Madras.



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P.DHANABAL, J.

mtl/rna

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