



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2631 of 2025

Sasikumar

... Petitioner / Sole Accused

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
AWPS-Theni,
Theni District.
(Crime No.4 of 2025)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioner in Crime No.4 of 2025 on the file of the respondent-police.

For Petitioner : Mr.M.Prabu,
Advocate

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate
(Criminal Side)

ORDER : The Court made the following order :-

<https://www.mhc.tn.gov.in/judis> This Criminal Original Petition has been filed by the petitioner on 07.02.2025



under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying
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to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent- police for the offences punishable under Sections 351(2) of BNS, 2023 and Sections 11(4) and 12 of POCSO Act, in Crime No.4 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 14.01.2025, the defacto complainant, who is the brother of the victim girl, filed a complaint. The victim girl, a student, was in a relationship with the petitioner/sole accused and frequently communicated with him over the phone. When the petitioner failed to contact her, the victim girl allegedly inflicted self-harm by cutting her hands and legs. She further compelled the petitioner to marry her. While they were in relationship, the victim girl sent her photograph to the petitioner. The petitioner then allegedly morphed the image by combining it with his own to depict them as a couple. The petitioner subsequently shared the morphed photograph with the victim girl's brother via WhatsApp and Instagram. Hence, the case.

4. Mr.M.Prabu, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner appeared before the respondent-police and handed over his



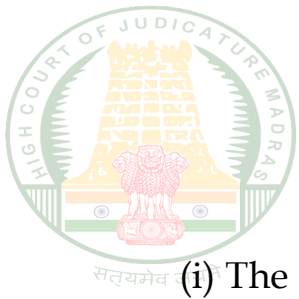
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mobile phone to the respondent-police. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner had shared the morphed photograph with the victim girl's brother via WhatsApp and Instagram and therefore, the custodial interrogation of the petitioner is necessary. He further contends that, if the petitioner is granted pre-arrest bail, he will cause threat to the defacto complainant and the victim girl. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. In view of the offence alleged against the petitioner, this Court is of the view that custodial interrogation of the petitioner is not necessary in this case. Further, the petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility for absconding. Considering the same and also considering the facts and circumstances of the case, and taking note of the fact that there are no previous cases against the petitioner, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions.



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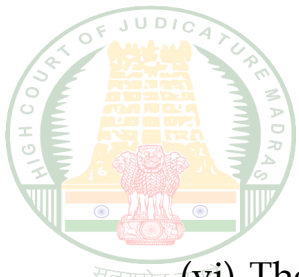
(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judge, Special Court for exclusive Trial of Cases under POCSO Act, Theni, within a period of 15 days from date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judge, Special Court for exclusive Trial of Cases under POCSO Act, Theni.

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judge, Special Court for exclusive Trial of Cases under POCSO Act, Theni shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the respondent-police daily at 10.00 a.m. until further orders.

(iv) The petitioner shall make himself available for interrogation by a police officer as and when required.

(v) 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 him from disclosing such facts to the Court or to any police officer.



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(vi) The petitioner shall also not, directly or indirectly, cause any threat to the defacto complainant, the victim girl and witnesses and shall not tamper the evidence.

(vii) The petitioner shall not leave India without the previous permission of the Court.

(viii) The petitioner shall furnish his residential address and mobile number to the learned Judge, Special Court for exclusive Trial of Cases under POCSO Act, Theni.

(ix) On breach of any of the aforementioned conditions, the learned Judge, Special Court for exclusive Trial of Cases under POCSO Act, Theni or Trial Court, as the case may be, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
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/03/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO
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1 THE JUDGE, SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASE UNDER
POCSO ACT, THENI.

2 THE INSPECTOR OF POLICE,
AWPS THENI, THENI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN

CRL OP(MD) No.2631 of 2025

Date :28/02/2025

NBF / SKN /SAR- (17/03/2025) 6P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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