



CRL.OP(MD). No.3126 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2025

PRESENT

**THE HON'BLE MR.JUSTICE R.SAKTHIVEL**

CRL.OP(MD). No.3126 of 2025

Mohamed Meeran @ Faruk

... Petitioner / Accused No.3

**Vs.**

The State of Tamil Nadu rep by  
The Inspector of Police,  
All Women Police Station,  
Theni District.  
(Crime No.3 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.3 of 2025 on the file of the respondent police.

For Petitioner : Mr.M.A.M.Raja

For Respondent : Mr.S.S.Manoj,  
Government Advocate  
(Criminal Side)

**ORDER :** The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 17.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



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2. The petitioner apprehends arrest at the hands of the respondent- police for the offences punishable under Sections 7, 8 and 21(1) of Protection of Children from Sexual Offences Act, 2012, in Crime No.3 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that that the victim boy, while studying at a Mathersa run by the petitioner (A3) and A4, was subjected to sexual assault by the inmates of the said Mothersa, specifically A1 and A2, who were also students. The incident was reportedly brought to the notice of the petitioner and A4 on 19.11.2024. However, the petitioner and A4, who were in-charge of the said Mothersa, failed to take any action to protect the victim boy. As a result, the victim boy, after being harassed by A1 and A2, left for home and informed his parents. Hence, the case.

4. Mr.M.A.M.Raja, 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 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.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner is the manager of the said Mothersa and that the overt act of the petitioner is that the petitioner did not take any action against A1 and A2 for the alleged incident occurred to the victim boy.



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Therefore, he contends that, if the petitioner is granted pre-arrest bail, he will cause threat to the defacto complainant and the victim. 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 may not necessary in this case. The petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility for absconding. Considering the above and also considering the facts and circumstances of the case and also 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.

(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.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judge, Special Court for exclusive Trial of Cases under POCSO Act, Theni.



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(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.

(vi) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant, the victim boy 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.



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(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/-  
19/02/2025

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/03/2025

Sub-Assistant Registrar (C.S. I / II / III / IV)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

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TO

- 1 THE JUDGE,  
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES  
UNDER POCSO ACT, THENI.
- 2 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
THENI
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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ORDER

IN

CRL OP(MD) No.3126 of 2025

Date :19/02/2025

SS/SKN/SAR- /04/03/2025/ 6P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023