
(2025) 10 MH CK 0028

Madras HC

Case No: Criminal Original Petition No. 29083 Of 2025

Rajkumar

APPELLANT

Vs

State

RESPONDENT

Date of Decision: Oct. 27, 2025

Acts Referred:

- Protection Of Children From Sexual Offences Act, 2012 — Section 5(l), 5(m), 6
- Bharatiya Nyaya Sanhita, 2023 — Section 269

Hon'ble Judges: K. Rajasekar, J

Bench: Single Bench

Advocate: R.Sampath Kumar, A.Gopinath

Judgement

K.Rajasekar, J

1. The petitioner, who was arrested and remanded to judicial custody on 27.06.2025, for the offence punishable under Sections 6 r/w 5(l), 5(m) of POCSO Act, 2012, in Crime No.37 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner, who is the neighbour of the victim girl aged about 12 years, took advantage of the loneliness of the victim showed her obscene photographs, and thereafter committed penetrative sexual assault upon her. The incident was subsequently revealed by the victim to her family members, and based on the complaint lodged by them, a case was registered, leading to arrest of the petitioner on 27.06.2025.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been in custody for a long period and that the investigation has been completed and the final report has also been filed. He further submitted that the alleged occurrence is said to have taken place a few years prior to the lodging of the complaint and that the petitioner has been falsely implicated in this case. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police opposed the grant of bail to the petitioner, reiterating the prosecution case and submitted that the investigation in this case has been completed and the final report has also been filed, and the case is now pending in Spl.S.C.No.62 of 2025 on the file of the Special Court under POCSO Act, Nagapattinam.

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

6. Considering the manner in which the occurrence took place, the fact that the case is now pending in Spl.S.C.No.62 of 2025, and taking into account the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty-Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Special Court under POCSO Act, Nagapattinam, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the concerned Court daily at 10.30 a.m., for a period of four weeks, and thereafter on all hearing dates without fail. It is made clear that the petitioner shall not enter the jurisdictional limit of the respondent police;

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283];

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