

(2025) 11 MAD CK 1918

In the Madras High Court

Case No : Criminal Original Petition No. 30580 Of 2025

E.Prem Kumar

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 10-11-2025

Acts Referred:

Protection Of Children From Sexual Offences Act, 2012 — Section 11(1), 11(4), 12
Tamil Nadu Prohibition Of Harassment Of Women Act, 1998 — Section 4
Bharatiya Nyaya Sanhita, 2023 — Section 75, 126(2), 269, 296(b)
Indian Penal Code, 1860 — Section 294(b), 341, 354A

Citation : (2025) 11 MAD CK 1918

Hon'ble Judges : K.Rajasekar, J

Bench : Single Bench

Advocate : E.Kannadasan, A.Gopinath

Judgement

K.Rajasekar, J

1. The petitioner, who was arrested and remanded to judicial custody on 11.08.2025, for the offences punishable under Sections 11(1), 11(4) and 12 of Protection of Children from Sexual Offence Act 2012 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act r/w Sections 126(2), 296(b), 75 of BNS, 2023 (Under Section 341, 294(b), 354A of IPC), in Crime No.26 of 2025, registered on the file of the respondent police, seeks bail.

2.The allegation against the petitioner is that the petitioner had stalked the victim girl and also pressured her to accept his love proposal, thereby continuously harassed her which resulted in registration of the case.

3.The learned counsel for the petitioner submitted that the petitioner is aged about 21 years and the victim is aged about 14 year and is studying in the 9th standard. It is further submitted that this is not a case of sexual assault and it is only stalking the victim girl and threatening her and the petitioner is also ready to abide by any conditions that may be imposed by this Court and therefore sought for bail to the petitioner.

4.The learned Government Advocate (Crl.side) for the respondent police reported that the investigation is in preliminary stage and there is no previous cases pending against the petitioner. Hence, he opposed for grant of bail to the petitioner.

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

6. Considering the fact that it is not the case of any sexual assault and the allegation is stalking the victim girl and threatening her and also considering the period of incarceration undergone by the petitioner, 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.20,000/- (Rupees Twenty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Court of Sessions Division of Tirupattur District, 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 respondent police, daily at 10:30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[c] 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];

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