



Crl.O.P.No.25472 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.25472 of 2024

A. Anandhan

...Petitioner

Vs.

The State Represented by
The Inspector of Police
Tirupattur Town Police Station,
Tiruppur District

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.304 of 2024 on the file of respondent police.

For Petitioner : Mr.S. Pachaiyappan

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.08.2024 for the offences under Sections 137(2), 87, 64 of BNS r/w Sections 5(1), 6 of POCSO Act, 2012 and Section 9 of Prohibition of Child Marriage Act in Crime No.304 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner fell in love with the victim who is a minor girl and thereafter married her and committed sexual assault on her. Hence, the complaint.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submitted that the petitioner has been in custody since 17.08.2024 ; that he is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail; and therefore, he prays for the grant of bail to the petitioner.



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4. Learned Government Advocate opposes the grant of bail to the petitioner by stating that statement under Section 183 of BNSS, has also been recorded from the victim girl, wherein, she had reiterated the contention of the F.I.R. He further submit that there is no previous case, pending against him.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record including the statement recorded from the victim girl under Section 183 of BNSS,

6. Considering the submissions of the learned counsel on either side, and the nature of offence charged against the petitioner, considering the period of incarceration undergone by the petitioner, and taking note of the fact that as per statement of the victim under section 183 of BNS there is no incriminating materials to attract Section 6 of POCSO Act, and the petitioner has no previous case, pending against him and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 **Special Judge for exclusive Trial of cases under POCSO Act, Vellore, Vellore District** and on further conditions that:

[a] the petitioner shall report before the **Special Judge for exclusive Trial of cases under POCSO Act, Vellore, Vellore District** on all working days at 10.30 a.m., until further orders, without fail.

[b] the petitioner shall attend in accordance with the conditions of the bond;

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

[d] 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



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officer or tamper with the evidence;

[e] the Petitioner shall not abscond either during investigation or trial;

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

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

19.10.2024

smn

To

1. The **Special Judge for exclusive Trial of cases under POCSO Act, Vellore, Vellore District**

2. The Inspector of Police
Tirupattur Town Police Station,
Tiruppur District.

3. The Superintendent of Prison,
Central Prison, Vellore

4. The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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