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Crl.O.P.No. 29495 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 29495 of 2024

Bathri

... Petitioner

Vs.

State rep. by

Inspector of Police, Peralam Police Station,
Thiruvarur District. (Crime No. 473 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.
473 of 2024 pending on the file of the respondent.

For Petitioner : Mr.P. Muthamizh Selvakumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

Petition seeking bail in respect of Crime No. 473 of 2024 registered for
the offences punishable under Sections 137(2) of BNS, 11(iv) r/w.12 and 5(1)
r/w.6 of POCSO Act is on board for consideration.

2.The incarceration of the petitioner being from 18.08.2024 pleading
innocence on the part of the petitioner and false implication in the case, learned
counsel for the petitioner seeks indulgence of this Court. He also submits that



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petitioner and the victim girl knew each other, since it was objected by the family members, the victim girl left her house and the petitioner without understanding the consequences, eloped with her. He also submits that the petitioner is no way connected with the alleged offences and he is ready to abide by any stringent condition that may be imposed by this court.

3.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that petitioner and the victim girl knew each other, since it was objected by the family members, the petitioner without understanding the consequences, eloped with her and there was a consensual relationship between them. The learned counsel further submits that the statement under Section 164 of Cr.P.C., also recorded from the victim girl.

4.Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and the statement of the victim girl recorded under Section 164 of Cr.P.C., this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the Additional



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Mahila Court, Thiruvavur, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday at 06.30 p.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned 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]***;

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

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A.D.JAGADISH CHANDIRA., J.

sai

To

1. The Additional Mahila Court,
Thiruvarur.
2. The Inspector of Police,
Peralam Police Station,
Thiruvarur District.
3. The Superintendent,
District Prison, Thiruvarur.
4. The Public Prosecutor,
High Court of Madras.

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