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CRL OP NO. 30321 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 30321 of 2024

Vijayaragavan
S/o. Saravanan, No.49, East Street, Siyappadi
B-Udaiyur, Cuddalore - 608 601.

Petitioner(s)

Vs

State Rep.By
Inspector of Police, AWPS Chidambaram Police
Station, Cuddalore District. Crime No. 30 of
2024

Respondent(s)

Prayer : Criminal Original Petition filed Under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2024, praying to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent in Crime No. 30 of 2024 on the file of the respondent police.

For Petitioner(s): Kalaimani S and A. Tamilselvan

For Respondent(s): Mr.S.Santhosh, Govt. Adv. Crl.Side

ORDER

Apprehending arrest in connection with Crime No.30 of 2024 registered for the offences punishable under Sections 87, 96, 127(4) 308(2) of BNS r/w 5(1) (j) (ii) r/w 6(1) of Protection of Children Sexual Offence Act (Amendment), 2019, the present petition has been filed seeking



anticipatory bail.

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2. The case of the prosecution is that the first accused had a love affair with the victim minor girl, who is aged about 17 years. Thereafter, the accused had committed penetrating sexual assault on her. Due to which, she became pregnant. Hence the case.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He further submits that the petitioner is innocent and the petitioner is the brother of A1. He would further submit that both the families have arranged the marriage for first accused and the victim minor girl. He would submit that the petitioner has nothing to do with the alleged offence and the petitioner is ready to abide by any stringent condition that may be imposed by this court.

4. The case of the prosecution, as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police,



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opposing for grant of bail, is that the first accused had a love affair with the victim minor girl who is aged about 17 years. Thereafter, the accused had committed penetrating sexual assault on her and due to which, she became pregnant. He would further submit that the petitioner is the brother of A1. He further submits that no previous case is pending against the petitioner.

5. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly, he is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Court of the Exclusive Trial of POCSO at Cuddalore, on condition that the petitioner shall execute 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 respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:



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[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner and 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;

[c] the petitioner shall report before the respondent Police everyday at 10.30 a.m for a period of two weeks and thereafter, every Saturday at 10.30 am until further orders;

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

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

[f] 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



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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];

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

12-12-2024

To
1. State Rep.By
Inspector of Police, AWPS Chidambaram Police
Station, Cuddalore District.
Crime No. 30 of 2024



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A.D.JAGADISH CHANDIRA, J.

MSM

Crl.O.P.No.30321/2024

12.12.2024