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CRL OP. 30803 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2024

CORAM

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CRL OP. 30803 of 2024

SELVAM
S/O.PACHIYAPPAN, NO.107, BAJANAI KOVIL
STREET, GUNUKAPUTI VILLAGE, VANTHAVASI
TALUK, TIRUVANNAMALAI DISTRICT.

PETITIONER

Vs

THE STATE REP. BY
INSPECTOR OF POLICE, VANTHAVASI ALL
WOMEN POLICE STATION, (AWPS),
TIRUVANNAMALAI DISTRICT. CRIME NO.22 OF
2024

RESPONDENT

For Petitioner:

MR. E.SATHIYARAJ ELANGO VAN

For Respondent:

MR. S. SANTHOSH, ADVOCATE (CRL. SIDE)



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ORDER

Apprehending arrest in connection with Crime No.22 of 2024 registered for the offences punishable under Sections 64(2)(m) of BNS Act and Section 5(1), 6(1) of Protection of Children from Sexual Offence Act, 2012, the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution is that, as per the de facto complainant, the accused who is her relative had, on the false promise of marrying her minor daughter, committed sexual assault on her minor daughter. 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. Learned counsel for the petitioner submits that the petitioner and the de facto complainant are close relatives and they hail from the lower strata of the society. There was a love affair between the petitioner and the de facto complainant. The petitioner, without understanding the consequences, had



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physical contact with the victim. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

4. The learned Government Advocate would submit that the petitioner, who is the relative of the de facto complainant, had committed penetrative sexual assault on the minor daughter of the de facto complainant and on knowing this, the members of the victim's family arranged for the child marriage of the victim and the same was stopped by the police. Hence, he vehemently opposed to grant anticipatory bail to 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 including the statement of the victim under 183 BNSS, 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 **Judicial**



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Magistrate, Vanthavasi, Thiruvannamalai, 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:

[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 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.

11.12.2024

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To

1. THE INSPECTOR OF POLICE, VANTHAVASI
ALL WOMEN POLICE STATION, (AWPS),
TIRUVANNAMALAI DISTRICT. CRIME NO.22 OF
2024

2. THE JUDICIAL MAGISTRATE,
VANTHAVASI, THIRUVANNAMALAI



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A.D.JAGADISH CHANDIRA, J.

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