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Crl.O.P.No.31762 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

CORAM

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

Crl.O.P.No.31762 of 2024

Sri Balaji @ Balaji

... Petitioner

Vs.

The State represented by,  
The Station House Officer,  
Lawspet Police Station,  
Puducherry.  
(Crime No.151 of 2024).

... Respondent

**PRAYER :** Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in Crime No.151 of 2024, on the file of the respondent Police.

For Petitioner : Mr.R.Rajarathinam Senior Counsel for  
Mr.A.B.Ashok

For Respondent : Mr.M.V.Ramachandramurthy,  
Additional Public Prosecutor,  
Puducherry.

**ORDER**

Petition seeking bail in respect of Crime No.151 of 2024 registered for the offences punishable under Section 137(2) of BNS 2023, is on board for consideration.



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2. The incarceration of the petitioner being from 03.11.2024 pleading innocence on the part of the petitioner and false implication in the case, the learned Senior Counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner, aged about 18 years and the victim, aged about 16 years, had a love affair between them. He further submitted that the victim came out of her house and eloped along with the petitioner, the petitioner and the victim without understanding the consequences, travelled to various places and later coming to know that the case has been registered against him, they returned to Puducherry where the petitioner was arrested. He further submitted that the petitioner understood that the statement had been recorded from the minor victim girl, wherein she stated that she had voluntarily went along with the petitioner and there was a consensual physical relationship between them. He further submitted that the major part of the investigation is over. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this court. Hence, he prayed for bail.

3. The case of the prosecution as put forth by the Additional Public Prosecutor (Puducherry) appearing for the respondent police, opposing for grant of bail, is that on the complaint given by one Ranjithkumar, that his minor



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daughter aged 16 years, who is studying 12<sup>th</sup> standard was found missing, for which, the case in Crime No.151 of 2024 came to be registered under Section 137(2) of BNS 2023. During the course of investigation it came to light that the petitioner/accused who is aged about 18 years, had abducted the minor victim girl and had taken her to various places, committing penetrative sexual assault on her. He further submitted that the statement has been recorded, wherein, she has deposed that she went along with the petitioner of her own accord.

4. Having heard the learned counsel for the petitioner and the learned Additional Public Prosecutor (Puducherry) for the respondent Police and perused the materials available on record, including the statement of the minor victim girl under Section 183 of BNSS, 2023 and considering the period of incarceration undergone by the petitioner, 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 learned **Fast Track Court (POCSO Act), Puducherry.** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may



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obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

**[b] the petitioner shall stay at Puducherry and report before the Thirunagar Police Station, everyday at 10.30 a.m., for a period of two weeks and thereafter on every Saturday at 10.30 a.m, until further orders.**

**(c) The Petitioner on summons shall appear before the respondent police.**

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

[e] the petitioner shall not tamper with evidence or witness 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 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 B.N.S.

**19.12.2024**

drl



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To

1. The Fast Track Court (POCSO ACT),  
Puducherry.
2. The Station House Officer,  
Lawspet Police Station,  
Puducherry.
3. The Superintendent,  
Central Prison, Puducherry.
4. The Public Prosecutor,  
Puducherry



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**A.D.JAGADISH CHANDIRA., J.**

drl

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