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Crl.O.P.No.31950 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

CORAM

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

Crl.O.P.No.31950 of 2024

Gurumoorthi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Nannilam.

(Crime No.33 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.33 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Kabilesh

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

ORDER

Petition seeking bail in respect of Crime No.33 of 2024 registered for the offences punishable under Sections 5(1) r/w Section 6 of POCSO Act, 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 counsel for the petitioner seeks indulgence of this Court. He also submits that both the petitioner and the minor victim girl were in a consensual relationship, which was known to the parents of the victim girl and they promised to arrange marriage, when the minor girl become major. 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 putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioner was in love affair with the minor victim girl, who aged about 15 years and had sexual intercourse with her by using lured words. He would further submit that the case is under investigation.

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, including the statement of the minor victim girl



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under Section 183(5) of BNS 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 **Sessions Judge, Fast Track Mahila Court, Tiruvarur** 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 10.30 a.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



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A.D.JAGADISH CHANDIRA., J.

Anu

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.

20.12.2024

Anu

To

- 1.The Sessions Judge, Fast Track Mahila Court, Tiruvarur
- 2.The Inspector of Police,
All Women Police Station,
Nannilam.
3. The Superintendent,
District Jail, Nagapattinam
4. The Public Prosecutor,
High Court of Madras.

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