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CRL O.P. No.123 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.123 of 2025

Zameer D.S. S/o. D. Shameel

... Petitioners / Accused

Vs

State rep. by:-

The Inspector of Police,
Vellore All Women Police Station,
Vellore District.
[Cr. No.49 of 2024]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioner / Accused in Crime No.49 of 2024 on the file of the respondent police.

For Petitioner : Mr. S. Pachaiyappan

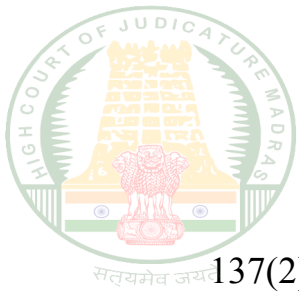
For Respondent : Mr. S. Balaji,

Government Advocate

[Criminal side]

ORDER

The petitioner / Accused, who apprehends arrest in the hands of the respondent police for the offence punishable under Sections



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137(2)(3) of B.N.S. and Sections 5(l), 6 of Protection of Child from Sexual Offences in connection with the case in Crime No.49 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the victim had love affair and on the promise of marriage, the petitioner had penetrative sexual assault on the victim when she was aged about 17 years.

3. Learned counsel for the petitioner would contend that the victim was born on 30.12.2006; that she attained maturity on 30.12.2024; that thereafter, the petitioner married the defacto complainant; and that in any case, custodial interrogation of the petitioner is not required and hence prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side), reiterated the prosecution case and on instructions, would submit that the petitioner has now married the victim and also produced the statement of the victim



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recorded under Section 164 of Cr.P.C.

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5. 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.

6. This Court perused the 164 Cr.P.C. statement of the victim. Admittedly, the petitioner and the victim had love affair and they are now married.

7. In the light of the above said facts, the nature of allegations, relationship between the parties and since the custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail.

8. Accordingly, the petitioner 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



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Sessions Judge, Special Court for exclusive trial of cases under

POCSO Act, Vellore District 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 learned Magistrate concerned, failing which, the petition for

anticipatory bail shall stand dismissed and on further conditions that:

[a] 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.

[b] **the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.**

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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



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[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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

20.02.2025

mjs

To

- 1.The Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Vellore District
2. The Public Prosecutor, High Court, Madras.
3. The Inspector of Police, Vellore All Women Police Station, Vellore District.

SUNDER MOHAN. J.,

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