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Crl.O.P.No.686 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.686 of 2025

1. Mathivanan
2. Indira

Petitioner(s)

Vs

State rep. by,
The Inspector of Police,
Town Police Station,
Karaikal.
(Crime No.256 of 2024).

Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police concerned in Crime No.256 of 2024, on the file of the respondent police.

For Petitioner(s) : Mr. R. Sivasankar

For Respondent(s) : Mr. M.V. Ramachandra Murthy
Additional Public Prosecutor,
High Court, Madras,
Government of Puducherry.



ORDER

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 4 of POCSO Act, 2012 and Sections 83, 296(b), 115(2), 351(2) of BNS r/w. Section 3(5) of BNS in Crime No.256 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first accused and the victim girl who was aged 15 years in 2021, had a love affair; that the first accused on the promise of marriage had sexual intercourse with the victim girl; that when the parents of the first accused/petitioners herein came to know of the relationship, they asked the victim to wait till she attained majority; that when the victim girl approached the petitioners after she attained majority, the petitioners gave evasive replies; that thereafter on 13.11.2024, the victim married the first accused pursuant to the intervention of the police; that the petitioners had not allowed the victim girl to enter their house; and that the first accused had not taken proper care of the victim girl. Hence, the case.



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3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they are the parents of A1; and that in any case custodial interrogation of the petitioner is not required; and that the petitioners are ready to produce solvent sureties and to abide by any conditions that may be imposed by this Courts and sought for anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and produced the copy of the 183 BNSS (164 Cr.P.C) statement of the victim girl; that the investigation revealed that there was a love affair and consensual relationship between A1 and the victim girl; and that the investigation is pending, hence opposed the grant of bail to the petitioners, who are the parents of A1.

5. This Court after perusing the 183 BNSS statement and taking note of the facts and circumstances of the case, the nature of allegation against the petitioners, submissions made by the learned counsels on either side, the fact there was a consensual relationship between the



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victim girl and A1, the petitioners herein are the parents of A1 and since custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate - I, Karaikal** on condition that the petitioners shall execute a separate 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 condition that:

[a] the petitioners 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 petitioners shall report before the



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respondent police as and when required for interrogation.

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

[d] the petitioners shall not abscond 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 of B.N.S.

07.04.2025

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SUNDER MOHAN, J.

stn

To

1. The Judicial Magistrate - I, Karaikal.
2. The Inspector of Police,
Town Police Station,
Karaikal.
(Crime No.256 of 2024).
3. The Public Prosecutor,
Puducherry.

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