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Crl.O.P.No.678 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.01.2025

CORAM

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

Crl.O.P.No.678 of 2025

1. Valli
2. Valli @ Valliyammal ... Petitioners
Vs

The State rep. by,
The Station House Officer,
Rishivandhiyam Police Station,
Kallakurichi District.
(Crime No.216/2024) ... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioners on bail in the event of their arrest by the respondent police in Crime No.216 of 2024.

For Petitioners : Mr.V.Gunasekar
For Respondent : Mr.Santhosh
Government Advocate (Crl.Side)

ORDER

Apprehending arrest in connection with Crime No.216 of 2024 registered for the offences punishable under Sections 194(3) of BNS, Sections 5(l), 5(j)(ii), 6 of POCSO Act, r/w Sections 9 & 10 of Child Marriage Act, the



present petition has been filed by the petitioners seeking anticipatory bail.

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2. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. He further submits that the first petitioner is the mother of the first accused and the second petitioner is the mother of the victim girl. They are hailing from lower state of society and the son of the first petitioner had developed love affair with the daughter of the second petitioner. Thereafter they eloped and also had sexual intercourse due to which the victim girl became pregnant. The petitioners without knowing the consequences, had arranged their marriage to safeguard the honour of the family. He further submits that the first accused had already been arrested and released on bail and the petitioners are ready to abide by any stringent condition that may be imposed by this Court.

3. The case of the prosecution as putforth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that the first accused committed penetrative sexual assault on the victim girl aged about 16 years. He further submits that the first accused kidnapped the victim girl and had sexual intercourse due to which, she became pregnant. The petitioners who are the parents of the first accused and the victim girl had arranged their marriage.



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4. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

5. Having heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions and 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 of receipt of a copy of this order, before the learned **Special Judge, Special Court for POCSO Act cases, Villupuram**, 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;



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[b] the petitioners shall appear before the respondent Police daily at 10.30 a.m., for a period of one week and thereafter as and when required.

[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 BNS.

20.01.2025

Index : Yes/No

Internet : Yes/No

rts



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To

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1. The Station House Officer,
Rishivandhiyam Police Station,
Kallakurichi District.
2. The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

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