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CrI.O.P.No.889 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.O.P.No.889 of 2025

L.Kalrayan

...Petitioner/Accused

Vs.

State rep by
The Station House Officer,
Villianur Police Station,
Puducherry.
(Crime No.2 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 482 of BNSS to enlarge the petitioner on anticipatory bail in Crime No.02 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.K.Sasindran

For Respondent : Mr.K.S.Mohandass
Public Prosecutor (Puducherry).

ORDER

This Criminal Original Petition has been filed by the petitioner, who apprehends arrest at the hands of the respondent, seeking anticipatory bail in Crime No.2 of 2025 registered for the offence under Section 9 of Prohibition of



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Child Marriage Act, 2006 and Section 6 of the Protection of Children from Sexual Offence Act, 2012.

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2. The case of the prosecution is that the petitioner (aged 29 years) and the victim (aged 17 years) got married and they are living as husband and wife; that the victim became pregnant and she went to the hospital for checkup, information was given by the Doctor to the respondent. As a result, the said complaint was registered. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner and the respondent lived as husband and wife with the consent of the parents; that there was no complaint regarding the alleged offence and that in any case, custodial interrogation is not required for the purpose of investigation and sought for anticipatory bail.

4. The learned Government Advocate (Crl.Side) submitted that the respondent registered the complaint against the petitioner on the information given by the Doctor and produced a copy of the proceedings of the Magistrate under Section 183(5) of the BNSS, 2024.



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5.On perusal of the said proceedings, it is seen that the victim has refused to give a statement. Admittedly, the victim or her parents did not intend to lodge any complaint. The complaint was lodged at the instance of Doctor. The issue in this petition is not whether the petitioner has committed any offence. Considering the fact that there is consensual relationship between the victim and the petitioner, and the victim's refusal to give any statement, this Court is of the view that custodial interrogation is not required for investigation and hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

6.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 on which the order copy made ready, before **the learned Fast Track Court (POCSO Act), Puducherry** on condition that the petitioner 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:



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[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 once in a week i.e, every Monday at 10.30 a.m., until further orders;

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

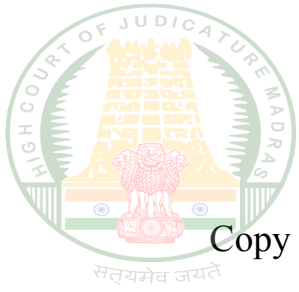
[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[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 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 B.N.S.

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- 1.The Station House Officer,
Villianur Police Station,
Puducherry.
- 2.The Fast Track Judge (POCSO Act), Puducherry.
- 3.The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.



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