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Crl O.P.No.738 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.738 of 2025

M.Karthik

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
Gudiyatham All Women Police Station,
Vellore District.
(Crime No.50/2024)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event
of his arrest in Crime No.50 of 2024 on the file of the respondent Police.

For Petitioner : Mr.K.Sathish Kumar

For Respondent : Mr.S.Balaji
Government Advocate(Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 137(2), 87, 64(2)(m), 65(1) of BNS Act, 2023 r/w Section 5(1), 9 of Child Marriage Act r/w section 6 of POCSO Act in Crime No.50 of 2024, seeks anticipatory bail.



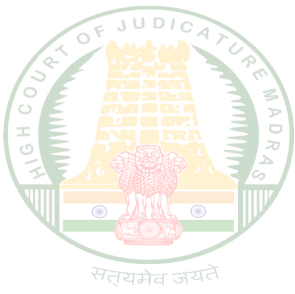
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2. The case of the prosecution is that the defacto complainant lodged a complaint with the respondent stating that on 20.12.2024, a victim minor girl, who was aged about 17 years got married to the petitioner. Hence, the case.

3. The learned counsel for the petitioner would submit that admittedly, the petitioner and the victim had love affair; and the allegations against the petitioner are false; and that in any case the custodial interrogation of the petitioner is not required for the purpose of investigation. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent per contra submitted that the victim in Section 164 Cr.P.C statement confirms the fact that she had love affair with the petitioner; and that since the victim was 17 years old minor, he opposed to grant for grant of anticipatory bail to the petitioner.

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



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6. Admittedly, it is a case of love and affair, and the victim has stated that she intends to marry the petitioner, and this Court had reiterated that arrest is not not necessary in such matters. Considering the above said fact and the Section 164 Cr.P.C statement of the victim, this Court is of the view that custodial interrogation is not required for the purpose of investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 is made ready, before the **Special Court for Exclusive Trial of Cases Under POCSO ACT 2012, Vellore**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, 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 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 daily 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.

[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]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

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Index : Yes / No

Internet : Yes / No

dpa



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To

- 1.The Inspector of Police,
Gudiyatham All Women Police Station,
Vellore District.
- 2.The Special Court for Exclusive Trial of Cases
Under POCSO ACT 2012,
Vellore
- 3.The Public Prosecutor,
Madras High Court,
Chennai.



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SUNDER MOHAN , J.

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