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Crl.O.P.No.956 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.956 of 2025

Pasupathi

... Petitioner

Vs

The State rep by
The Station House Officer,
Thirukoilur AWPS Police Station,
Kallakurichi District.
Crime No.89 of 2024.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of of Bharatiya
Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioner on bail in the
event of arrest by the respondent Police in Crime No.89 of 2024.

For Petitioner : Mr.V.Gunasekar

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

ORDER

Apprehending arrest in connection with Crime No.89 of 2024
registered for the offences punishable under Sections 69, 89, 131, 133, 74,
296(b), 351(2) of BNS r/w. 5(l), 5(j)(2) of the POCSO Act, the present petition
has been filed seeking anticipatory bail.



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2. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He would submit the petitioner is innocent and the victim was having one side love on the petitioner and since the petitioner has married another woman, she has given false complaint. The defacto complainant is now 20 years and as per the allegation said to have been happened when they were studying in the school together. He also submits that the petitioner is 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 as per the defacto complainant aged about 20 years, the petitioner on the false assurance of marry her, had sexual intercourse with her on several times, due to which she got pregnant. Further on the compulsion of the petitioner, the defacto complainant aborted her pregnancy and without the knowledge of the defacto complainant, the petitioner married some other lady. When it was questioned by the defacto complainant, the petitioner abused her with filthy language and also assaulted her.



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4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record including the statement recorded under Section 183 of BNSS from the victim girl.

5. Having 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, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and 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 **Judicial Magistrate, Sankarapuram**, 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 said Magistrate, on further condition that:

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

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, on



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every Saturday 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 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 of BNS.

20.01.2025

Index : Yes/No

Internet : Yes/No

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To

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



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A.D.JAGADISH CHANDIRA, J.

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