



Crl.O.P.No.1065 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21-01-2025**

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 1065 of 2025

Poovarasan

Petitioner(s)

Vs

The State represented By,
The Inspector Of Police,
Kilpennathur Police Station,
Thiruvannamalai District.
Crime No.3 of 2017

Respondent(s)

For Petitioner(s):

Mr.R.Balakrishnan

For Respondent(s):

Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

Apprehending arrest in connection with Crime No.3 of 2017 registered for the offences punishable under Sections 366(A) of IPC @ Sections 366(A), 109, 294(b) and 506(i) of IPC, 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 that the petitioner and the victim are known to each other and there was a love affair between them. He would submit that the case is of the year 2017, and the parents of the petitioner was arrested and released on bail and the respondent police did not take any steps to arrest the petitioner during the relevant time. Subsequently, the victim attained major and thereafter, a marriage was solemnised between them, and they are living as an husband and wife. He would further submit 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 (Criminal Side) appearing for the respondent police, opposing for the grant of anticipatory bail is that, the petitioner abducted the minor victim, who is aged 16 years at the time of the incident, had committed penetrative sexual assault, due to which, she become pregnant. He would submit that, now, on instruction, the marriage has been performed between the petitioner and the victim, and they got a children and living together.



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4. Heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police, and perused the materials available on record, considering the facts and submissions of either side, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. 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 **District Munsif-cum-Judicial Magistrate, Kilpennathur**, 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] if the petitioner fail 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 as and when required for interrogation;

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



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[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 B.N.S.

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