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Crl.O.P.No.1954 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.1954 of 2025

1. Vajarapu Ganesh
2. Vajarapu Nookaratnam

... Petitioners

Vs.

State Represented By,
The Inspector of Police,
All Women Police Station,
Hosur, Krishnagiri District.
(Crime No.39 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in Crime No.39 of 2024 pending on the file of the respondent police.

For Petitioners : Mr. W. Camyles Gandhi

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)



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ORDER

Petition seeking bail in respect of Crime No.39 of 2024 registered for the offences punishable under Sections 4 Non Act, 5(1), 6(1) of POCSO Act, 87 and 137(2) of BNS, is on board for consideration.

2. Learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He also submitted that the first petitioner and the victim girl were in love affair and she voluntarily left out her house and without understanding the consequences, the first petitioner took her to Visakhapatnam, where he is employed and they stayed together for a period of six months and there was a consensual physical relationship between them. He also submitted that the second petitioner herein is the mother of the first petitioner and the love affair between the first petitioner and the victim has been projected as a case of kidnap and penetrative sexual assault case. He also submitted that the petitioners are in custody from 25.11.2024 and they are also ready to abide by any other stringent conditions that may be imposed by this Court. Hence, he



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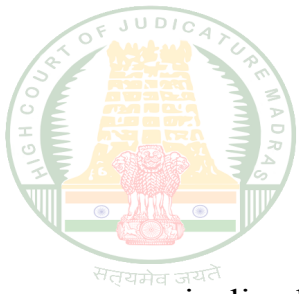
prayed for grant of bail to the petitioners.

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3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police while opposing for grant of bail to the petitioner is that, the victim girl, on account of love affair with the first petitioner herein had eloped with the first petitioner, further with the help of the second petitioner, who is the mother of the first petitioner, they lived together for six months at Vishakapatnam and had physical relationship between them. He also submitted that the victim girl has been secured and now with her parents and 183 BNSS statement also recorded.

4. Heard the learned counsel appearing for the petitioners, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record, including the FIR and 183 BNSS statement.

5. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsels on either side, this Court is



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inclined to grant bail to the petitioners with certain conditions.

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6. Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Sessions Judge, Fast Track Mahila Court, Krishnagiri** and on further conditions that:

[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 first petitioner/ **Vajarapu Ganesh** shall report before the respondent police, everyday at **10.30 a.m.**, for a period of two weeks and thereafter, every Saturday at **10:30 a.m.**, until further orders. The second petitioner/ **Vajarapu Nookaratnam** shall report before the respondent police, everyday at **10:30 a.m.**, for a period of one week and thereafter, as and when required for interrogation.

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



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[d] the petitioners 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 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 B.N.S.

28.01.2025

stn

To

1. The Sessions Judge,
Fast Track Mahila Court,
Krishnagiri.
2. The Inspector of Police,



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All Women Police Station, Hosur,
Krishnagiri District.

A.D.JAGADISH CHANDIRA, J.

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3. The Superintendent,
Central Prison, Salem.
4. The Superintendent,
Central Prison (Special Prison Women), Salem.
5. The Public Prosecutor,
High Court of Madras.

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