



Crl.O.P.No.2103 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2103 of 2025

Vignesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Gudiyatham, Vellore District.
(Crime No.46 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.46 of 2024, pending investigation on the file of the respondent Police.

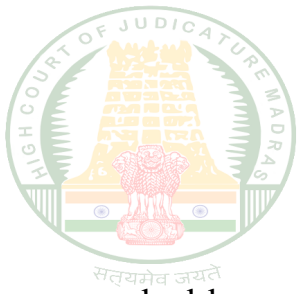
For Petitioner : Mr.G.Vinodhkumar

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 09.12.2024, seeking bail in Crime No.46 of 2024 registered for the offence under Sections 137(2), 87, 64(2)(m) of BNS and Section 5(l), 5(j)(ii) read with Section 6 of POCSO At 2012.

2. The case of the prosecution is that the petitioner and the victim girl



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had love affair for about one year prior to the offence and that on the promise of marriage, the petitioner had sexual intercourse with the victim on 30.06.2024, who was aged about 17 years 6 months at the time of occurrence.

3. Learned counsel appearing for the petitioner submitted that the petitioner and the victim girl had love affair and infact the petitioner is willing to marry the victim girl and to that effect, he had also filed an affidavit and in any case, the petitioner is in custody from 09.12.2024 and that he may be released on bail.

4. Learned Government Advocate (Crl.Side) per contra submitted that the victim in her statement recorded under Section 183 of BNSS had stated that, petitioner had love affair with the victim and had forcible sexual intercourse, due to which she became pregnant and later the petitioner refused to marry her.

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



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6. Considering, the nature of allegation; period of incarceration and the affidavit filed by the petitioner that he is willing to marry the victim girl now aged 18 years; and that the victim had stated in the statement under Section 183 of BNSS that the complaint was lodged since the petitioner refused to marry her and since further custody is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions

7. Accordingly, the petitioner is 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 **Special Judge for Exclusive Trial of Cases under POCSO Act, Vellore.**

[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, everyday 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;



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[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.

10.02.2025

Sma
To

1. Special Judge for Exclusive Trial of Cases under POCSO Act, Vellore
2. The Inspector of Police,
All Women Police Station,
Gudiyatham, Vellore District.
3. The Superintendent,
Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

Sma

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