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CrI.OP.No.2352 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.OP.No.2352 of 2025

Iyyappan

... Petitioner /Accused

Vs.

The State rep. by
The Inspector of Police,
Mudaliarpet Police Station,
Puducherry District.

... Respondent/ Complainant

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest in Crime No.259 of 2024 on the file of the Inspector of Police, Reddiarpalayam Police Station, Pondicherry District.

For petitioner : Mr.N.Raja

For Respondent : Mr.K.S.Mohandoss,
Additional Public Prosecutor (Pondicherry)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 6 of the POCSO Act in Crime No.259 of 2024 seeks anticipatory bail.



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WEB COPY 2. It is the case of the prosecution that the petitioner married the victim, who is aged about 17 years, and engaged in sexual intercourse with her, resulting in her pregnancy.

3. The learned counsel for the petitioner would submit that the allegations are false; that the petitioner was not aware of the age of the victim girl; and the petitioner and the victim girl are living together as husband and wife.

4. The learned Government Advocate (Crl.Side) reiterated the prosecution case and produced a copy of the statement of the victim recorded under Section 183 of BNSS.

5. This court has perused the statement of the victim girl. She stated that she married the petitioner and had not disclosed her age to him or his relatives, as her family was living in poverty and wanted to get her married. She further stated that the petitioner is taking care of her family and is not at fault.



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6. Though this court is of the view that the victim's marriage with the petitioner may not justify the act of the petitioner, considering the facts and circumstances of the case, and the fact that custodial interrogation of the petitioner is not required, 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 **Fast Track Court Exclusively to deal with offences under the POCSO Act, Puducherry**, 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:

[a] the petitioner and the sureties shall affix



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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 appear 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 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



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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 BNS.

12.03.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
skr

To

1. The Inspector of Police,
Mudaliarpur Police Station,
Puducherry District.
2. The Public Prosecutor,
Madras High Court,
Chennai.
3. Fast Track Court Exclusively to deal
with offences under the POCSO Act, Puducherry.



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SUNDER MOHAN, J.

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