



Crl. O.P. No.4464 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl. O.P. No.4464 of 2025

Nehru S/o. Balu

... Petitioner / Accused

Vs.

The State represented by:

The Inspector of Police,
All Women Police Station,
Mannarkudi,
Tiruvarur District.
(Crime No.39 of 2024).

... Respondent

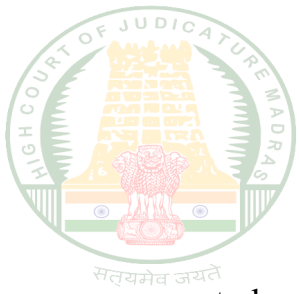
PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.39 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr. Swami Subramanian

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was



Crl. O.P. No.4464 of 2025

arrested and remanded to judicial custody on 13.12.2024, seeking bail in Crime No.39 of 2024 registered for the offences under Sections 5(1) read with 6 of POCSO Act.

2. The case of the prosecution is that the petitioner and the defacto complainant, aged about 17 years, had a love affair; that taking advantage of the absence of the parents in the house, the petitioner had sexual intercourse with the defacto complainant on 5 occasions and thus committed aforesaid offence.

3. Learned counsel appearing for the petitioner submitted that the allegations against the petitioner are false; that in any case, the defacto complainant has lodged this false complaint alleging that the petitioner has refused to marry her and considering the period of incarceration and the fact that final report was filed, further custody of the petitioner is not required and hence prayed for grant of bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and produced the copy of the 164 Cr.P.C. statement of the victim.



Crl. O.P. No.4464 of 2025

WEB COPY

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.

6. A reading of the 164 Cr.P.C. statement, reveals that the petitioner on the promise of marrying the victim, had sexual intercourse with her and thereafter, refused to marry her. Considering the nature of allegations, age of the victim and the petitioner, the fact that final report has been filed, this Court is of the view that further custody of the petitioner is not required for the purpose of investigation. Hence, 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 **Additional Sessions Judge, Fast Track Mahila Court, Tiruvarur** and on further conditions that:

[a] the sureties shall affix their photographs and Left



Crl. O.P. No.4464 of 2025

WEB COPY

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 every day 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;

[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]***;

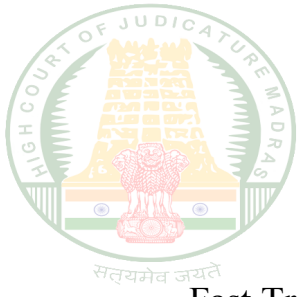
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

05.03.2025

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To

1. The Additional Sessions Judge,



Crl. O.P. No.4464 of 2025

Fast Track Mahila Court, Tiruvarur.

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2. The Inspector of Police,
All Women Police Station,
Mannarkudi, Tiruvarur District.
- 3 The District Prison, Nagapattinam.
4. The Public Prosecutor, High Court of Madras.



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Crl. O.P. No.4464 of 2025

SUNDER MOHAN., J.

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Crl.O.P.No.4464 of 2025

05.03.2025