



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2025

WEB COPY

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.2892 of 2025

A.Sathiyaraj

...Petitioner/Accused

Vs.

State through
The Inspector of Police,
All Women Police Station,
Jayankondam,
Ariyalur District.
(Crime No.05 of 2025)

...

Respondent

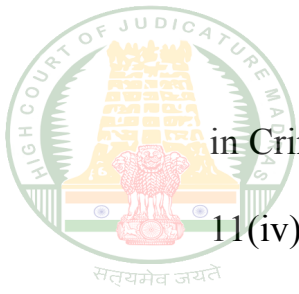
PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.05 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Sivaraman

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 12.01.2025, seeking bail



in Crime No.05 of 2025 registered for the offence under Sections 5(l), 11(1), 11(iv) r/w 6 and 12 of POCSO Act r/w 296(b), 75 and 78 of BNS, 2023 and Section 67(B) of IT Act.

2.It is the case of the prosecution that the petitioner is a married man and that he had lured the victim on the promise of marriage and took her to his house and committed penetrative sexual assault and thereafter, the victim became pregnant and thus committed the offences aforesaid. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner was arrested on 12.01.2025 and that it is the case of love affair and that in any case, further custody of the petitioner is not required since the respondents have filed the final report and sought for bail.

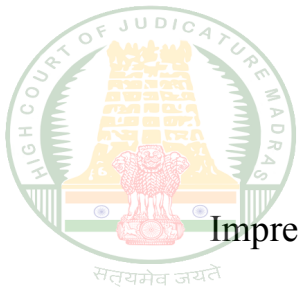
4.The learned Government Advocate (Crl. Side) for the respondent would reiterate the prosecution case and produced the statement of the victim under Section 164 of Cr.P.C and submit that final report has already been filed. He would further submit that the foetus of the victim has been sent for DNA examination and the report is yet to be received.



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. Though the petitioner is the married man, considering the nature of allegations and the statement of the victim recorded under Section 164 of Cr.P.C, it appears to be a case of consensual relationship. Though consent is immaterial since the victim was aged 16 years at the time of occurrence and it is for the prosecution to establish the offences in the trial, this Court is of the view that further custody of the petitioner is not required since final report has been filed. 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 **Sessions Judge, Fast Track Mahila Court, Ariyalur**, 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 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;

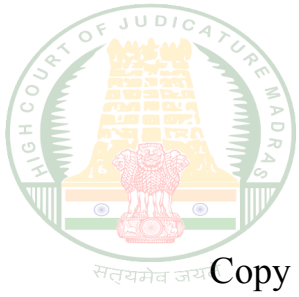
[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[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.

18.02.2025

ata



Copy to:

WEB COPY

- 1.The Inspector of Police,
All Women Police Station,
Jayankondam,
Ariyalur District.
- 2.The Sessions Judge, Fast Track Mahila Court, Ariyalur.
- 3.Sub-Jail, Jayankondam, Ariyalur District.
- 4.The Public Prosecutor,
High Court, Madras.



WEB COPY

CrI.O.P.No.2892 of 2



SUNDER MOHAN, J.

ata

CrI.O.P.No.2892 of 2025

18.02.2025