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Crl.OP.No.2915 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.2915 of 2025

Mohan @ Mohanraj

... Petitioner /Accused

Vs.

The State rep. by
The Inspector of Police,
All Women Police Station,
Tindivanam,
Villupuram District.

... Respondent/Complainant

(Crime No.2 of 2025)

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to grant anticipatory bail to the petitioner in the event of arrest in Crime No.2 of 2025 by the respondent Police.

For petitioner : Mr.B.Gopalakrishnan

For Respondent : Mr.S.Balaji,
Government Advocate (Crl.Side)



ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 5(j)(li) and 6 of POCSO Act, in Crime No.2 of 2025, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner and the victim are closely related to each other and that the petitioner, on the promise of marriage, induced the victim aged about 17 years and 10 months on the date of occurrence, to have sexual intercourse and thus committed the offences aforesaid. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner aged 23 is the uncle of the victim; that it is a case of love affair; that the petitioner intends to marry the victim; that the victim did not intend to give a complaint; that she would attain majority in April and she also intends to marry the petitioner and in any case would submit that custodial interrogation is not required.



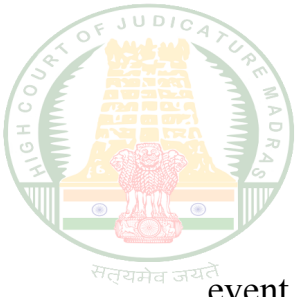
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4.The learned Government Advocate (Crl. Side) for the respondent would reiterate the case of the prosecution and produced the copy of the statement of the victim recorded under Section 183(6) of BNSS.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record, including the statement of the victim recorded under Section 183(6) of BNSS.

6.On perusal of the said statement, it is seen that the victim had stated that she had a love affair with the petitioner and that she had not lodged any complaint.

7.Considering the relationship between the parties, the nature of allegations and since custodial interrogations is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:



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8. 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 of receipt of copy of this order, before the **Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram**, on condition that the petitioner shall execute a bond for sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each 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 said Magistrate, on further condition 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;



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[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*** reported in [(2005)AIR SCW 5560];

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

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SUNDER MOHAN, J.

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To

1. The Inspector of Police,
All Women Police Station,
Tindivanam,
Villupuram District.

2. The Public Prosecutor,
Madras High Court,
Chennai.

3. The Special Court for Exclusive Trial of Cases under POCSO Act,
Villupuram.

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