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CRL OP NO. 3324 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **12-02-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 3324 of 2025

Selvakumar

S/o.Kumar, No.2-111, Kattu Kottai,

Periyamampattu Village, Arasampattu Village,

Kallakurichi Taluk and District.

Petitioner

Vs

The State Rep by, The Inspector of Police,
Thiyagadurugam Police Station, Kallakurichi
District. Cr.No.311/2024.

Respondent(s)

For petitioner:

Mr.V. Gunasekar

For Respondent(s):

Mr. S.Balaji, Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 96 of the BNS 2023, in Crime No.311 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the victim girl had a love affair; that the victim girl on 28.08.2024 informed the *de facto* complainant (mother of the victim girl) that she had to attend special class



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and left home; that thereafter, she did not turn up that night and hence, the *de facto* complainant lodged a complaint of 29.08.2024 in Cr.No.311 of 2024 under Section 96 of the BNS Act; and that later, the victim girl was secured and the case was altered to under Section 96 of the BNS act and Section 5(1) and 6 of the POCSO Act. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case; the victim girl had informed the *de facto* complainant that she was going to attend special class and left the house; that therefore, this clearly shows that the victim girl had voluntarily gone with the petitioner; that the petitioner is aged about 19 years and since it is a love affair between the petitioner and the victim girl, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and on instruction would submit that this is a case of love affair and allegation of penetrative sexual assault is true; that the respondents have prepared the draft charge sheet and final report would be filed soon. Hence, he opposed for grant of anticipatory bail to the petitioner.



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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.

6. Considering the nature of allegation levelled against the petitioner, the fact that this is a case of love affair between the petitioner and *de facto* complainant, the final report is already made ready; the age of the petitioner and the victim and since custodial interrogation of the petitioner is not required for the investigation, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(a) 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 a copy of this order, before the **learned Judicial Magistrate – II, Kallakurichi** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only), with two sureties, each for a like sum to the satisfaction of the respondent

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police or the police officer who intends to arrest or to the satisfaction of



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the said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioner shall report before the respondent police everyday 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 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 of BNS.

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To
1. The State Rep by, The Inspector of Police,
Thiyagadurugam Police Station,
Kallakurichi District.Cr.No.311/2024.