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Crl.O.P.No.3685 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.3685 of 2025

Velmurugan

... Petitioner

Vs.

State Rep. by
The Inspector of Police
Komarapalayam Police Station
Namakkal District
(Crime No. 453 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in Crime No.453 of 2024, on the file of the respondent Police.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 04.01.2025, seeking bail in Crime No.453 of 2024 registered for the offence under Section Girl missing @ 87 BNS (366 of IPC) and 9, 11 of Prevention of Child Marriage Act and 5(1) r/w.6 of POCSO Act, 2012.



2.The case of the prosecution is that the petitioner and the victim girl were known to each other, on 25.11.2024 the petitioner eloped with her, got married and committed penetrative sexual assault on her.

3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that it is a case of love affair and the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4.Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case and submitted that the present petitioner is A1 and this Court has already granted anticipatory bail to Accused 2 & 3 in Crl.OP.No.3276 of 2025 on 10.02.2025.

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.Considering the nature of allegations, age of the petitioner, period of incarceration undergone by him, the fact that the co-accused were already granted anticipatory bail by this Court in Crl.OP.No.3276 of 2025 on 10.02.2025 and since further custody is not required for the purpose of interrogation, this Court is



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inclined to grant bail to the petitioner with certain conditions.

WEB COPY 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 **Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Namakkal** 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 of B.N.S.

13.02.2025



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SUNDER MOHAN, J.

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To

1.The Sessions Judge,
Magalir Neethimandram (Fast Track Mahila Court),
Namakkal

2.The Inspector of Police
Komarapalayam Police Station
Namakkal District

3.The Superintendent,
Sub Jail, Namakkal.

4.The Public Prosecutor,
High Court of Madras.

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