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Crl OP No.3804 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 17.02.2025

CORAM :

**THE HONOURABLE MR. JUSTICE SUNDER MOHAN**

Crl.O.P.No.3804 of 2025

Arunkumar

... Petitioner

Versus

State rep by its  
The Inspector of Police,  
Pochampalli Police Station,  
Krishnagiri District.  
Crime No.352 of 2024

... Respondent

**Prayer:** Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioner on bail in the event of arrest in Cr.No.352 of 2024 on the file of the respondent police.

For petitioner : Mr.R.Bharath Kumar

For Respondent : 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 Sections 363 and 366 of IPC, Section 5(L), r/w 6(1) of POCSO Act, 2012 and Section 4



and 6 of the Prohibition of Child Marriage Act, 2006 in Crime No.352 of 2024, seeks anticipatory bail.

2. It is the case of the prosecution that the victim aged about 17 years had a love affair with the petitioner for 5 years; that her parents got her married to one Prakash against her wish ; that thereafter she called the petitioner to come and take her; and hence on 14.06.2024, the petitioner took her and married her and the victim is now staying with him. Hence, the case.

3. Learned counsel appearing for the petitioner would submit that it is a case of love affair that the victim was forced to marry another person by her parents against her wish and therefore she is living with the petitioner. He further submitted that she is now 18 years and considering the nature of the allegations, the custodial interrogation of the petitioner is not required and sought for anticipatory bail.

4. Learned Government Advocate (Crl. Side) appearing for the respondent Police reiterated the prosecution case and produced the copy of the Section 164 Cr.P.C Statement. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The reading of the Section 164 Cr.P.C Statement shows that the petitioner and the defacto complainant had consensual relationship. The



petitioner has now attained majority and in any case, the custodial interrogation of the petitioner is not required.

6. Considering the nature of allegations and the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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 on which the order copy is made ready, before the **Judicial Magistrate, Pochampalli** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

**[a] ]the petitioner shall report before the respondent police station daily at 10.30 a.m., until further orders.**

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

**[c]** the petitioner shall not abscond either during investigation or trial.

**[d]** 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



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and the Petitioner is 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]**;

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

17.02.2025

Vv

To

1. The Judicial Magistrate, Pochampalli
2. The Inspector of Police,  
Pochampalli Police Station,  
Krishnagiri District.
3. The Public Prosecutor,  
High Court of Madras,  
Chennai.



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**SUNDER MOHAN, J.**

**Vv**

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