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CRL OP NO. 3758 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-02-2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP NO. 3758 of 2025

Bharathi
S/O Mayilsamy,
Maduraiveeran Street, Okkiyampalayam,
Achipatti, Pollachi Coimbatore,
Tamil nadu – 642 002.

Petitioner(s)

Vs

State Rep By
The Inspector Of Police, All Womens Police
Station, Pollachi, Coimbatore District.
Cr.No.30/2024

PRAYER: This Criminal Original Petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.30 of 2024 on the file of the respondent police.

For Petitioner : Mr.Deepanuday

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



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ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 02.12.2024, seeking bail in Crime No.30 of 2024 registered for the offence under Sections 449, 366, 344, 376(3) of IPC, 1860 under Section 5(1), 5(j)(ii) r/w 6 of POCSO Act, 2012 and Section 9 of the Prohibition of Child from sexual offences Act, 2012 and Section 9 of the Prohibition of Child Marriage Act 2006.

2. The case of the prosecution is that the victim girl was in relationship with the accused No.1 and both got married, the victim girl gave birth to a child and later the accused abandoned the girl. While so, the victim girl developed relationship with accused No.2/petitioner and he had promised that he would take care of the victim girl, her child and under the pretext of marrying her, the accused No.2 had engaged her in penetrative assault as a result of which she delivered a baby. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He further submitted that the petitioner is in custody from 30 of



2024. Hence, he prayed for grant of bail to the petitioner.

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4.Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and opposed for the grant of bail to the petitioner.

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 facts and circumstances of the case and considering the period of incarceration, this Court is inclined to grant bail to the petitioner with condition that ***the petitioner shall register his marriage with the victim girl and produce the marriage certificate before the respondent police within a period of two weeks from the date when he comes out of the prison along with certain other conditions.***

7.Accordingly, the petitioner is ordered to be released on bail on his



executing 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 **Principal**

Special Courts for Exclusive Trial of cases under POCSO Act,

Coimbatore 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, daily in the Morning at 10:30 a.m., and Evening at 0:30 a.m till he produces the marriage certificate;

[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



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registered under Section 269 of B.N.S.

14.02.2025

vca

Copy to:

1. The Principal Special Courts for Exclusive Trial of cases under POCSO Act, Coimbatore
2. The Superintendent,
Central Prison- Coimbatore
3. The Public Prosecutor,
High Court, Madras.
4. The Inspector Of Police,
All Womens Police Station, Pollachi,
Coimbatore District.

G.K. ILANTHIRAIYAN,J.

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