



WEB COPY

Crl.O.P.No.4096 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2025

CORAM

THE HON'BLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.4096 of 2025

V.Vinoth

...Petitioner / Accused - 5

Vs.

The State Rep. By
The Inspector of Police,
Yethapur Police Station,
Salem District
(Crime No.323 of 2024)

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of BNSS to enlarge the petitioner on bail in the event of arrest in connection with Crime No.323 of 2024 on the file of the respondent police station.

For Petitioner : Mr.L.Ramu

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

ORDER

The petitioner/accused - 5, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections Girl Missing @ Section 96 of BNS and 5(1) r/w 6(1) and 16 r/w 17 of the POCSO Act, 2012, in



Crime No.323 of 2024 on the file of the respondent police, seeks anticipatory bail.

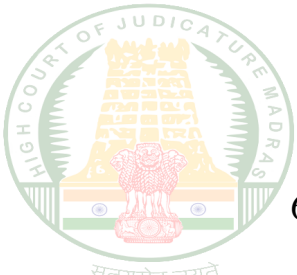
WEB COPY

2. It is the case of the prosecution that the petitioner is arraigned as A5; that A1 and the victim aged about 15 years had a love affair; and that on the request of the victim girl, the petitioner/A5 took her to A1's place. Hence, the case.

3. Learned counsel for the petitioner/A5 would submit that the main allegation is against A1, who was arrested and released on bail; that it is a case of a love affair; and in any case, the allegation against the petitioner does not warrant custodial interrogation and seeks anticipatory bail.

4. Learned Government Advocate (Crl.Side) for the respondent police reiterated the prosecution case and produced the copy of the 164 Cr.P.C. Statement.

5. Heard both sides and perused the materials available on record.



6. On perusal of the statement, it is seen that the *de-facto* complainant had a love affair with A1 and the petitioner/A5 was the friend of A1 who had helped the *de-facto* complainant in going to A1's place.

7. Considering the nature of the allegations against the petitioner, the fact that the first accused has been arrested and released on bail, and that it is a case of a love affair and since custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 (15) days from the date on which the order copy was made ready, before the learned **Special Judge, for Exclusive trial of POCSO Cases, Salem**, 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 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



WEB COPY

Crl.O.P.No.4096 of 2025



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.

18.02.2025

dk



Crl.O.P.No.4096 of 2022

To

1.The Special Judge,
Exclusive Trial of POCSO Cases, Salem.

2.The Inspector of Police,
Yethapur Police Station,
Salem District.

3.The Public Prosecutor, High Court of Madras.



WEB COPY



Crl.O.P.No.4096 of 2025

SUNDER MOHAN,J.
dk

Crl.O.P.No.4096 of 2025

18.02.2025