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Crl.OP.No.4321 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.4321 of 2025

Chinnamani

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
Polur All Women Police Station (AWPS),
Tiruvannamalai District.
(Crime No.04/2025)

.. Respondent

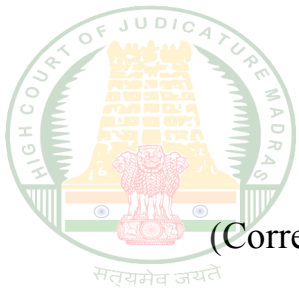
PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event
of his arrest in Crime No.04 of 2025 on the file of the respondent Police.

For Petitioner : M/s.E.Sathiyaraj Elangovan

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent
police for the offences punishable under Section 64(2)(m) of BNS Act

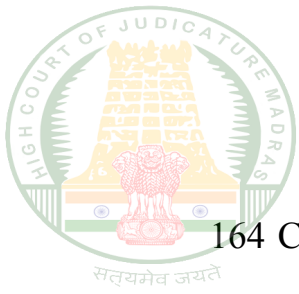


(Corresponding Section 376 of IPC) and Section 5(1), 6(1) of Protection of Children from Sexual Offence Act, 2012 in Crime No.04 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that, the petitioner aged 25 years had love affair with the victim girl who was 16 old years and without consent of the parents, the petitioner had taken out the victim to his relatives house and committed penetrative sexual assault to the victim.

3. The learned counsel appearing for the petitioner submitted that the allegations are false; that the victim had not lodged any compliant; that the complaint was lodged by the Child Help Line; that the statement of the victim would show that the petitioner is not guilty of penetrative sexual assault; and that in any case, custodial interrogation is not required and prayed for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and produced a copy of Section



164 Cr.P.C statement of the victim and confirms the fact that the petitioner and victim had love affair.

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5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6. Considering the above said facts and the statement of the victim which confirms the fact that it is a case of love affair, this Court is of the view that custodial interrogation of the petitioner is not required for the purpose of investigation, and is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 **Learned Judicial Magistrate, Polur, Tiruvannamalai**, 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



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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 condition that:

[a] the petitioner and 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 at 10.30 a.m., until further orders.

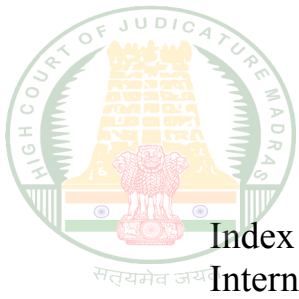
[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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 Petitioners in accordance with law as if the conditions have been imposed and the Petitioners 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 BNS.

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To

1.The Inspector of Police,
Polur All Women Police Station (AWPS),
Tiruvannamalai District.

2.The Learned Judicial Magistrate
Polur, Tiruvannamalai.

3.The Public Prosecutor,
Madras High Court,
Chennai.

SUNDER MOHAN , J.

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