



Crl.O.P.No.4455 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.4455 of 2025

Ashrab

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Mamallapuram,
Chengalpattu District.
Crime No.1 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest in connection with Crime No. 1 of 2025 on the file of respondent Police.

For Petitioner : M/s.K.Kavika for
Mr.E.Mohammed Abbas

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Criminal Side)

Mr.Sarfudeenaliahamed
for Intervenor



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 5(a)(1) and 6 of Protection of Children from Sexual Offences (POCSO) Act, 2012 of BNS in Crime No.1 of 2025, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner who is aged about 19 years, had love affair with the victim girl who is aged about 15 years and the petitioner had committed penetrative sexual assault as a result of which, the victim became pregnant and delivered a baby boy which has been given for adoption. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is willing to marry the victim girl after the victim attains the age of majority. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioner.



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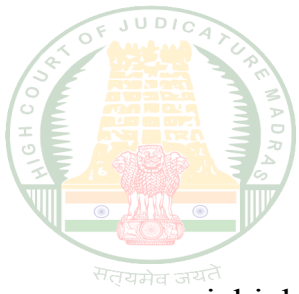
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4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that the DNA samples were collected from the accused and after completion of the test it proved that the petitioner is the father of the child which was born to the victim girl. Further, the conditions imposed by this Court has been complied with by the petitioner only for 20 days. He further submits that the victim is willing to continue her education and she is also not interested to continue the relationship with the petitioner and the child born to the victim girl was also given for adoption. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. The learned counsel for the intervenor vehemently opposed to grant anticipatory bail to the petitioner.

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

7. Considering the submissions made by the learned counsel appearing on either sides and taking note of the nature of the allegations and since, custodial interrogation of the petitioner is not required and also that the petitioner is doing



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menial jobs by getting minimal wages and has also co-operated to give sample for DNA and the child born to him was also given for adoption, 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 days from the date on which the order copy made ready, before the learned **Session Judge, POCSO Court, Chengalpattu District** 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one



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of the identity proofs to ensure their identity;

[c] the petitioner shall report before the respondent Police every Monday and Friday at 10.30 a.m., till the filing of charge sheet and thereafter before the trial Court until further orders;

[d] the petitioner shall not abscond either during investigation or trial and he shall make himself available for interrogation by a Police Officer as and when required;

[e] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;;

[f] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[g] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;



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[h] If the accused thereafter absconds, a fresh FIR
can be registered under Section 269 of B.N.S.

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To

1. The Session Judge, POCSO Court, Chengalpattu District
2. The Inspector of Police,
All Women Police Station,
Mamallapuram,
Chengalpattu District.
3. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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