



Crl.OP.No.4753 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 05.03.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.4753 of 2025

1.Rajiniganth
2.Lalitha

.. Petitioners

Vs.

The State rep by
The Inspector of Police,
All Women Police Station, Thirukoilur,
Kallakurichi District.
(Crime No.06/2025)

.. 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 their arrest in Crime No.06 of 2025 on the file of the respondent
Police.

For Petitioner : M/s.Parameswaran S

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent



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police for the offences punishable under Section 9, 10 of Child Marriage Act 2006 & 5(1), 6, 17, 85 of POCSO Act 2012 and 296(b), 126(2), 127(4) of BNS Act, 2023.(294, 341, 344 of IPC) in Crime No.06 of 2025, seek anticipatory bail.

2. The case of the prosecution is that, A1 had a love affair with the victim girl, who was 17 years old at the time of occurrence; and that in the presence of elders, they got married, after which they had sexual intercourse. Subsequently, matrimonial differences arose between A1 and the victim; and a complaint was lodged and that the petitioners are parents of the victim girl.

3. The learned counsel appearing for the petitioner submitted that the allegations are false; that, admittedly, it is a case of love affair, and the petitioners have nothing to do with the alleged offence and in any case custodial interrogation of the petitioners is not required and prayed for anticipatory bail to the petitioners.



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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 A1 and victim had love affair and got married and thereafter, matrimonial differences arose between A1 and the victim.

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 aforesaid facts, the nature of allegations, and the relationship between the petitioners and the victim, this Court is of the view that custodial interrogation of the petitioners is not required for the purpose of investigation, and is inclined to grant anticipatory bail to the petitioners with certain conditions.



WEB COPY 7.

Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **Learned Sessions Judge, POCSO Court, Kallakurichi**, 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] the petitioners 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 petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners 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



CrI.OP.No.4753 of 2025

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.

05.03.2025

Index : Yes / No
Internet : Yes / No
dpa

To

1.The Inspector of Police,
All Women Police Station, Thirukoilur,
Kallakurichi District.

2.The Learned Sessions Judge, POCSO Court,
Kallakurichi.

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



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Crl.OP.No.4753 of 2025

SUNDER MOHAN , J.

dpa

Crl.O.P.No.4753 of 2025



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CrI.OP.No.4753 of 2025

05.03.2025