



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.5504 of 2025

Praveen

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
All Women Police Station,
Palladam, Tiruppur District.

(Crime No.07 of 2022)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Spl.S.C.No.112 of 2022 on the file of the learned Sessions Judge (FAC), Magalir Neethimandram (FTC), Tiruppur.

For Petitioner : Mr.M.Vijayaragavan

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

ORDER

The petitioner, who is facing trial for the offence under Sections 5(l), 5(j)(ii) r/w 6 of POCSO, 2012 and Section 9 of the Prohibition of Child



Marriage Act, 2006 and Sections 449 & 366 of IPC, in Spl.S.C.No.112 of 2022 on the file of the learned Sessions Judge (FAC), Magalir Neethimandram (FTC), Tiruppur, seeks bail. The petitioner who was on bail did not appear before the Trial Court and NBW was issued on 21.11.2023 and the same was executed on 13.06.2024.

2.It is the case of the prosecution that the petitioner and the victim girl aged 17 years at the time of occurrence had a love affair and the petitioner had committed penetrative sexual assault on the victim girl on several occasions, as a result of which, the victim became pregnant and thus committed the aforesaid offences.

3.The learned counsel for the petitioner would submit that the petitioner and the victim, who is now a major are living as husband and wife; that the petitioner had made a statement that she is willing to file a petition to quash the proceedings and that the petitioner and the victim have two children out of their wedlock.

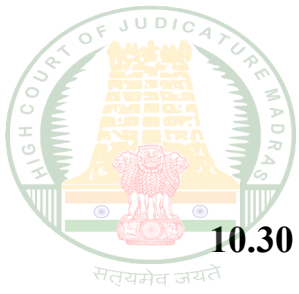


4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and on instruction submitted that now the victim has given a statement that she is living with the petitioner and that they intended to file a quash petition.

5.The earlier bail application of the petitioner was dismissed by this Court on 09.01.2025 on the ground that the case was posted for judgment. However, considering the aforesaid facts and since the case is still pending before the Trial Court, this Court is of the view that further custody of the petitioner is not required for the purpose of investigation. Hence, this Court is inclined to grant bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Sessions Judge (FAC), Magalir Neethimandram (FTC), Tiruppur**, 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 Trial Court everyday at 10.30 a.m., until further orders;

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[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 B.N.S.

11.03.2025

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Copy to:

1.The Inspector of Police,
All Women Police Station,
Palladam, Tiruppur District.

2.The Sessions Judge (FAC), Magalir Neethimandram (FTC),
Tiruppur.

3.Central Prison, Coimbatore.

4.The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No.5504 of 2



SUNDER MOHAN, J.

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Crl.O.P.No.5504 of 2025

11.03.2025