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CrI.O.P.No.5203 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.5203 of 2025

O.Sanjay

... Petitioner/ Single accused

Vs.

State, Rep. by Inspector of Police

All Women Police Station,

Katpadi, Vellore District.

(Crime No.1 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioner on bail in the event of arrest Crime No.1 of 2025, on the file of the respondent Police.

For Petitioner : Mr.Raja Durai

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 5(1) r/w 6 of POCSO Act, and Section 331(3) of BNS 2023 (Section 454 of IPC) 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 and the victim, aged 17 years had a love affair; that on 21.01.2025 when the defacto



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complainant/father of the victim and his wife went to a neighbouring village for their job and returned home, they found the petitioner and the victim in their house together; that they came to know that they were in love with each other for two years and had physical relationship on two occasions viz., 18.11.2024 and 29.12.2024; and that when the defacto complainant questioned the petitioner, he mocked at the defacto complainant and hence a complaint was lodged for the aforesaid offences.

3.Learned counsel appearing for the petitioner would submit that admittedly, it is a case of love affair; that victim was aged 17 years and 9 months at the time of occurrence; that the complaint was lodged only because, the defacto complainant was against the relationship between the petitioner and the victim; and that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, and prayed for anticipatory bail to the petitioner.

4.Learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing for grant of anticipatory bail to the petitioner, reiterated the prosecution case and produced the copy of the Section 164 Cr.P.C statement of the victim.

5.Heard the learned counsel for the petitioner and the learned



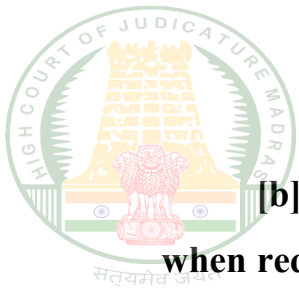
Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record.

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6. The petitioner is aged about 23 years. A perusal of Section 164 Cr.P.C., statement suggests that they had consensual relationship for a long time. Therefore, considering the age of the victim and the petitioner, the fact that there was a consensual relationship, this Court is of the view that custodial interrogation 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 made ready, before **the learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Vellore**, on condition that the petitioner shall execute a separate 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 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 as and when required for interrogation.

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

[d] the petitioner 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 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.

26.02.2025

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Crl.O.P.No.5203 of 2025

SUNDER MOHAN, J.

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- To
- 1.The Sessions Judge,
Special Court for exclusive trial of cases under POCSO Act,
Vellore
 - 2.The Inspector of Police
All Women Police Station,
Katpadi, Vellore District.
 - 3.The Public Prosecutor,
High Court of Madras.

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