



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.7463 of 2025

Prince Periyannayagam

...Petitioner/Accused

Vs.

State Represented by
The Inspector of Police,
All Women Police Station,
Thiruvarur.
(Crime No.03 of 2025)

... Respondent

PRAYER: The Criminal Original Petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.03 of 2025 on the file of the respondent police.

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

ORDER

The Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 01.02.2025, seeking bail in Crime No.03 of 2025 registered for the offence under Sections 5(I), 5(j)(ii), r/w Section 6 of POCSO Act.

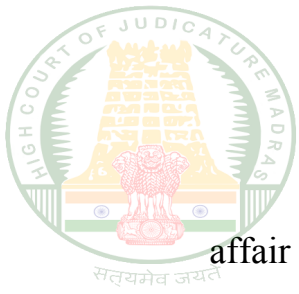


2.The case of the prosecution is that the petitioner (aged 25 years) and the victim (aged 17 years) had a love affair and on the promise of marriage, the petitioner had sexual intercourse with the victim girl; and that thereafter they had parted ways; that on 30.01.2025, the defacto complainant visited the Doctor due to health issue and the Doctor found that she was pregnant and on the complaint of the Doctor, the instant complaint was lodged.

3. Learned counsel appearing for the petitioner submitted that admittedly, the defacto complainant and the victim had a love affair and there is a consensual relationship between them and hence, further custody of the petitioner is not required and hence, he may be released on bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and also produced a copy of Section 183(5) BNSS Statement.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.



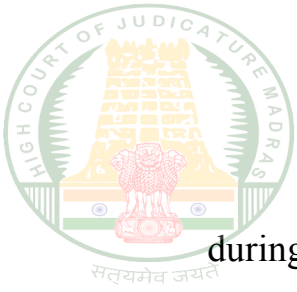
6. On perusal of Section 183(5) BNS statement that there was a love affair between the petitioner and the defacto complainant; that the defacto complainant had not complained about the alleged penetrative sexual assault committed by the petitioner, in such circumstances, this Court is of the view that 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.

7. 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)** each with **two sureties**, each for a like sum to the satisfaction of the **Mahila Court, Thiruvarur** 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 the respondent police daily at 10.30 a.m., until further orders;

[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;

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[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.

14.03.2025

rkp

Copy to:

- 1.The Inspector of Police,
All Women Police Station,
Thiruvavarur.
2. The Superintendent, District Prison, Nagapattinam.
3. The Mahila Court Judge, Thiruvavarur.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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