



WEB COPY

Crl.O.P.No.7901 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL O.P NO.7901 of 2025

Santhosh
S/o. Rajendran

....Petitioner/Single Accused

Vs

The State represent by
The Inspector Police,
All Women Police Station,
Thiruthuraipoondi,
Tiruvarur District.
Crime No.2 of 2025

....Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory bail in the event of his arrest **in Crime No.2 of 2025**, on the file of the respondent police.

For Petitioner	: Mr. N. Palanivel
For Respondent	: Mr. S. Balaji
	Government Advocate (Crl. Side)



ORDER

WEB COPY

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 5(l), 5(j)(ii) read with section 6 of the POCSO Act and Section 9 of the Child Marriage Act, in Crime No.2 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is closely related to the victim girl; that the victim girl was aged 17 years at the time of occurrence; that the petitioner married the victim girl pursuant to love affair and a child was born to the victim and that when she went for treatment for cough and cold, she was found to be nine months pregnant and the doctor had informed the police and an FIR was registered.

3. The learned counsel appearing for the petitioner submitted that the petitioner is the aunt's son of the victim girl; that she had love affair with the petitioner and they are living together and that in any case custodial interrogation of the petitioner is not required and prayed for anticipatory bail to the petitioner.



WEB COPY

4. The learned Government Advocate(Crl. side) appearing for the respondent police reiterated the prosecution case and confirmed that it is a case of love affair and that the petitioner and the victim girl are living together. He produced the Section 183 BNSS statement of the victim.

5. The date of birth of the victim girl is 10.05.2007 and she will attain majority in two months' time. The statement of the victim girl is that she had voluntarily gone with the petitioner and is living with him and she intends to live with him. Though the petitioner's act of marrying a minor girl may not be justified, considering the aforesaid facts, this Court is of the view that custodial interrogation of the petitioner is not required for the purpose of investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 Judicial Magistrate, Thiruthuraipoondi**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand**



WEB COPY

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 everyday at 10:30 a.m., until further orders.

[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



WEB COPY



Crl.O.P.No.7901 of 2025

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 abscond, a fresh FIR
can be registered under Section 269 of B.N.S.

26.03.2025

bga

To

1. The Judicial Magistrate, Thiruthuraipoondi.
2. The Inspector Police,
All Women Police Station,
Thiruthuraipoondi,
Tiruvarur District.
3. The Public Prosecutor, High Court, Madras.



WEB COPY



Crl.O.P.No.7901 of 2025

SUNDER MOHAN, J.

bga

Crl.O.P. No.7901 of 2025

26.03.2025