



WEB COPY

Crl.O.P.No.8326 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL O.P NO.8326 of 2025

Mohammed Riyas
S/o. Habeeb Mohammed

....Petitioner/sole Accused

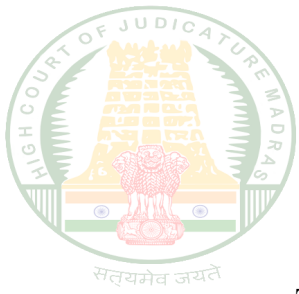
Vs

The State represented by
The Inspector of Police,
W-10 All Women Flower Bazaar Police Station
Chennai District.
(Crime No.03 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.03 of 2025**, on the file of the
respondent police.

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



ORDER

WEB COPY

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 87 BNS, 2023 and Section 5(j)(ii) r/w 6 of Protection of Child from Sexual Offences Act, 2012, in Crime No.03 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner aged 22 years, and the victim girl aged 17 years had love affair; that the petitioner had sexual intercourse with the victim on the promise of marriage; that thereafter, the victim became pregnant; and that when she was admitted in the hospital, the hospital authorities informed the police, after which the instant complaint was lodged by the victim's mother.

3. The learned counsel appearing for the petitioner would submit that, even according to the prosecution, the petitioner and the victim had love affair; that the victim girl was interested in marrying the petitioner and that in any case, custodial interrogation of the petitioner is not required and prayed for anticipatory bail for the petitioner.



WEB COPY

4. The learned Government Advocate (Crl. Side) appearing for the respondent police confirmed that the petitioner and the victim girl had love affair and also produced the Section 183 BNS statement of the victim.

5. It is seen from the statement of the victim that the victim and her mother did not want to lodge a complaint and the complaint was lodged at the instance of the hospital authorities. It appears that the victim is interested in marrying the petitioner. The date of birth of the victim is 23.07.2007. She would complete 18 years in July 2025. Though the act of the petitioner cannot be justified, considering the fact that it was a consensual relationship and considering the statement of the victim girl, this Court is of the view that custodial interrogation of the petitioner is not required. 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 VIII Metropolitan Magistrate, George Town, Chennai**, 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 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.



WEB COPY



Crl.O.P.No.8326 of 2025

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

07.04.2025

bga

To

1. The VIII Metropolitan Magistrate, George Town, Chennai.
2. The Inspector of Police,
W-10 All Women Flower Bazaar Police
Station
Chennai District.
3. The Public Prosecutor, High Court, Madras.



WEB COPY



Crl.O.P.No.8326 of 2025

SUNDER MOHAN, J.

bga

Crl.O.P. No.8326 of 2025

07.04.2025