



Crl. O.P. No.9972 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.9972 of 2025

Srinath

... Petitioner/Accused

Vs.

The State represented by-

The Inspector of Police,
All Women Police Station,
Denkanikottai.
(Crime No.09 of 2025)

... Respondent

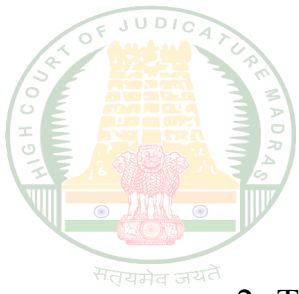
PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.09 of 2025 pending investigation on the file of the respondent Police.

For Petitioner : Mr.G.Anbarasu

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 18.02.2025 seeking bail in Crime No.09 of 2025 registered for the offence under Sections 137(2), 87 BNS, 5(1), 6 of POCSO Act & 9 of Child Marriage Act, 2006.



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2. The case of the prosecution is that the petitioner is aged about 22 years and victim aged about 16 years had a love affair; that the parents of the victim had made arrangements to get her married to another person; that the victim girl informed the same to the petitioner, who in turn, told her that he would marry her after she attained 18 years; that thereafter, the victim girl had asked the petitioner to take her away from her house and that both of them had sexual intercourse in a secluded place. It is the further case of the prosecution that initially, a case of girl missing was lodged by the parents of the victim girl and the respondent police secured the victim girl based on the said complaint.

3. Learned counsel appearing for the petitioner submitted that the allegations are false; that even according to the case of the prosecution, the petitioner had only told the victim girl that he would marry her after she attained 18 years and considering the fact that even according to the prosecution, there was a consensual relationship and the period of incarceration, he may be released on bail.

4. Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and produced a copy of Section 183 BNSS Statement of the



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victim which confirms the prosecution case.

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5. From a perusal of the Section 183 BNSS statement of the victim, it is seen that the petitioner had refused to marry her and told her only he would marry her, after she attained 18 years and it was the victim who compelled the petitioner to take her away from the parent's house. Though the action of the petitioner as projected by the prosecution cannot be justified, considering the aforesaid facts and the nature of allegations and the period of incarceration, 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, Fast Track Mahila Court, Krishnagiri.**

[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;



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[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;

[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.

03.04.2025

rkp

To

- 1.The Sessions Judge, Fast Track Mahila Court, Krishnagiri.
- 2.The Inspector of Police,
All Women Police Station,
Denkanikottai.
3. The Superintendent, District Prison, Dharmapuri.
4. The Public Prosecutor, High Court of Madras.



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SUNDER MOHAN., J.

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