



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-04-2025

WEB COPY

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL O.P NO.10519 of 2025

S. Dhanapal
S/o. Subramani

....Petitioner/Accused 1

Vs

1. The State represented by
The Sub-Inspector of Police,
All Women Police Station,
Tiruchengode,
Namakkal District
(Crime No.7/2025)
2. S. Vidhya
Centre Administrator,
Sakthi Integrated Service Centre,
Social Welfare Department,
Namakkal

....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.7 of 2025**, on the file of the respondent police.

For Petitioner	: Mr.Sivaram Tanjore Ramanathan
For Respondent	: Mr. S. Balaji Government Advocate (Crl. Side)



ORDER

WEB COPY

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 9 and 10 of Prohibition of Child Marriage Act, 2006 and 5(l), 5(j)(ii) r/w 6 of POSCO Act, 2012, in Crime No.7 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the maternal uncle of the victim girl aged 15 years; that the victim girl had love affair with the petitioner; the the victim girl requested the petitioner to take her out of her house; that on 16.06.2024 the petitioner took the victim girl to a temple and tied thalli and thereafter took her to his house; that he committed penetrative sexual assault; that the victim girl became pregnant and that when she went for check up, at the instance of the Doctor, a complaint was registered.

3. The learned counsel appearing for the petitioner would submit that, even according to the case of the prosecution, the petitioner and the victim girl had a love affair; that the petitioner had a sexual relationship



with the victim girl with her consent; and that considering the nature of the allegations, custodial interrogation of the petitioner is not required and sought for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and produced a copy of the Section 183 BNS statement of the victim girl.

5. This Court had perused the statement of the victim girl. In the statement, the victim girl had stated that she had expressed her love for the petitioner and had insisted that he take her from her parents' house. Thereafter they both got married and she was living in the petitioner's house. She has further stated that she had not lodged any complaint against the petitioner. Though the consent of the victim girl is immaterial, as she is a minor, and the act of the petitioner cannot be justified, considering the facts and circumstances, the nature of allegations against the petitioner and the statement made by the victim girl, 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**

WEB COPY

Judicial Magistrate, Komarapalayam, 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 twice a week 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 Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



WEB COPY

Crl.O.P.No.10519 of 202



[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 269 of B.N.S.

08.04.2025

bga

To

1. The Judicial Magistrate, Komarapalayam
2. The State represented by
The Sub-Inspector of Police,
All Women Police Station,
Tiruchengode,
Namakkal District
(Crime No.7/2025)
3. Ms. S. Vidhya
Centre Administrator,
Sakthi Integrated Service Centre,
Social Welfare Department,
Namakkal
4. The Public Prosecutor, High Court, Madras.



WEB COPY

Crl.O.P.No.10519 of 202



SUNDER MOHAN, J.

bga

Crl.O.P. No.10519 of 2025

08.04.2025