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Crl.O.P.No.10290 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.10290 of 2025

T. Sathish
S/o. Thangarasu

....Petitioner/Accused

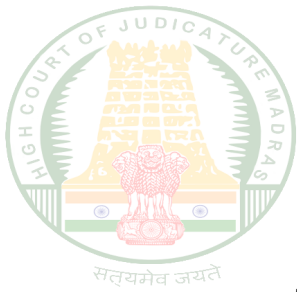
Vs

The State represented by
The Inspector of Police,
Chinnasalem Police Station
Kallakurichi District
Crime No.592 of 2024

....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.592 of 2024**, on the file of the
respondent police.

For Petitioner	: Mr. Babu Varadharajan
For Respondent	: Mr. S. Santhosh Government Advocate (Crl. Side)



ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 87, 127(3) of BNS and 5(l), 5(j)(ii), 6 of the POCSO Act 2012, in Crime No.592 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner aged 24 years, and the victim girl aged 16 years had a love affair; that the petitioner had sexual intercourse with the victim; that the victim girl eloped with the petitioner on 28.11.2024; that on the complaint given by the victim's mother a case was registered under 'girl missing' and the police secured the victim girl in Kerala and produced her before the Judicial Magistrate, Kallakurichi.

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.



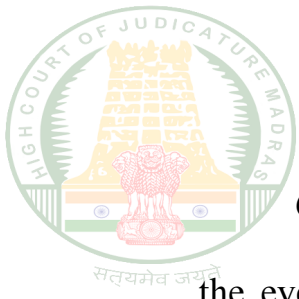
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4. The learned Government Advocate (Crl. Side) appearing for the respondent police confirmed that the petitioner and the victim girl had love affair and also produced the Section 183 BNS statement of the victim. He further submitted that the final report has also been filed.

5. It is seen from the statement of the victim that the victim and the petitioner had consensual relationship. Since the victim was missing from her house, a complaint was lodged by the victim's mother and the same was initially registered under section 'girl missing' and thereafter the victim girl was secured and produced before the Magistrate and the sections were altered. It is now informed that the final report has also been filed. Though the act of the petitioner cannot be justified, considering the aforesaid facts and since final report has been filed, 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.



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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 No. II, Kallakurichi**, 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 trial court on all hearing dates.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[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].

[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 Judicial Magistrate No. II, Kallakurichi
- 2.The Inspector of Police,
Chinnasalem Police Station
Kallakurichi District
3. The Public Prosecutor, High Court, Madras.



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SUNDER MOHAN, J.

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