



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2025

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.10302 of 2025

R.Guna Sekar

.. Petitioner

Vs.

The State Represented by
The Inspector of Police,
Thiruthani Police Station,
Tiruvallur District.
(FIR No.150/2025)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to grant Anticipatory Bail for the petitioner
/ Accused in the event of his arrest in FIR No.150 of 2025 on the file of the
respondent / complainant herein.

For Petitioner : Mr.Vijay Anand Sivaraman

For Respondent : Mr.R.Vinothraja
Government Advocate (Criminal Side)



ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 5(1) and 6(1) of the POCSO Act and Section 87 of the Bharatiya Nyaya Sanhita (corresponding to Section 366 of Repealed IPC 1860) in FIR No.150 of 2025, seeks anticipatory bail.

2. Learned counsel for the petitioner submits that he is the acting driver and was engaged by A1 in this case for driving a car to Tirupati. The petitioner is not aware about the relationship between the A1 and the victim girl and he only acted as a driver. He further submits that the petitioner is innocent and the case has been falsely foisted against him by the respondent for statistical purposes. He further submits that the petitioner is ready and willing to abide by any conditions that may be imposed by this Court and hence, he prays to grant anticipatory bail to the petitioner.

3. Learned Government Advocate (Crl.Side) appearing for the respondent Police while opposing the grant of anticipatory bail to the petitioner submits that in this case A1 who was arrested for kidnapping a

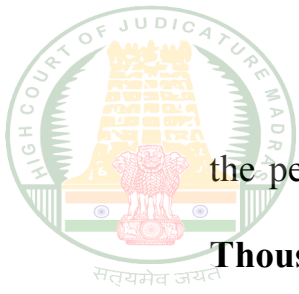


minor girl and also committed a sexual assault. A2 is the employee of A1 and the petitioner/A3 is the customer of A1 who helped to kidnap the victim girl by driving a car to Tirupati. He fairly submits that in the above case, the minor girl had given statement that she had voluntarily gone along with him and she was not kidnapped and her relationship with A1 was voluntary.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record.

5. Considering the facts and circumstances of the case, submissions made by the learned counsels on either side, 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 **Special Court for Trial of Cases under POCSO Act Court, Thiruvallur** 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, and on proof of payment of deposits, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled;

[b] The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

[c] the petitioner shall report before the respondent Police for a period of two weeks; thereafter as and when required for interrogation;

[d] the petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall make himself available for



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interrogation by a Police office as and when required;

[f] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for Police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[g] the petitioner shall not abscond either during investigation or trial;

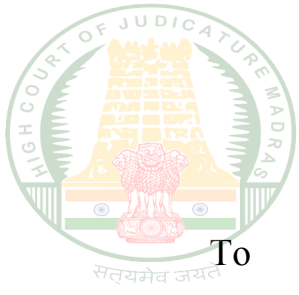
[h] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

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M.NIRMAL KUMAR, J.



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To

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- 1.The Inspector of Police,
Thiruthani Police Station,
Tiruvallur District.
- 2.The Special Court for Trial of Cases under POCSO Act Court,
Thiruvallur.
- 3.The Public Prosecutor,
Madras High Court, Chennai.

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