



Crl.O.P.No.10598 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.10598 of 2025

1.Ramachandran

2.Rajeshvari

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
AWPS- Polur Police Station,
Tiruvannamalai District.
Crime No.27 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event of arrest in connection with Crime No.27 of 2025 on the file of respondent Police.

For Petitioners : Mr.Silambu Selvan S

For Respondent : Mr.V.Meganathan
Government Advocate (Criminal Side)



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ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 5 (1), 6 (1), 17 of POCSO Act 2012, r/w 75 of Juvenile Justice (Care and Protection of Children) Act 2015, in Crime No.27 of 2025, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that, the petitioners are husband and mother of the victim girl. The victim is aged about 17 years. On 17.11.2024, the defacto-complainant got married with the first petitioner and also committed penetrative sexual assault. Hence the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they had been falsely implicated in this case. He further submitted that earlier the Child Welfare Committee had lodged a complaint in Cr.No.24 of 2024 against the petitioners for attempting to have a child marriage on the victim girl on 07.11.2024. The learned Principal District and Sessions Judge, Tiruvanamalai had granted anticipatory bail to both the petitioners in the aforesaid case. Thereafter, the present case has been filed again for Child Marriage. Hence, he prayed for grant of anticipatory bail to the petitioners.



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4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that in this case the first petitioner had married the victim girl as minor and on a complaint of Child Welfare Committee earlier case in Cr.No.24 of 2024 had been registered. Thereafter, the petitioners had forced the victim to live with the first petitioner. Hence, she had lodged a complaint. During 164 statement, victim girl gave a different version about her mother that her mother beating her for not concentrating in her studies and nothing more.

5. Heard both sides and perused the materials available on record.

6. Considering the submissions made by the learned counsel appearing on either sides and since, custodial interrogation of the petitioners is not required, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Session Judge**,



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Special Court for POCSO Act cases, Tiruvannamalai, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each 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] if the petitioners 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 Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[c] the petitioners shall report before the respondent police as and when required for interrogation;

[d] the petitioners shall not abscond either during investigation or trial and he shall make himself available for interrogation by a Police Officer as and when required;

[e] the petitioners shall not directly or indirectly cause any threat to the de facto complainant and witnesses and shall not tamper with evidence or witness either during investigation



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or trial;

[f] the petitioners 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] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions have been imposed and the petitioners 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)13 SCC 283]**;

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

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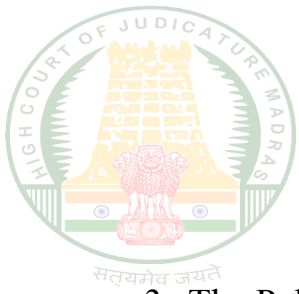
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To

1.The Sessions Judge,
Special Court for POCSO Act Cases,
Tiruvannamalai.

2.The Inspector of Police,
AWPS- Polur Police Station,
Tiruvannamalai District.

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3. The Public Prosecutor,
High Court of Madras.

M.NIRMAL KUMAR, J.

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