



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.10556 of 2025

Shivnandan Pandit @ Sandhankumar

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
Anuppparpalayam Police Station,
Tiruppur City.

(Crime No.108 of 2025)

...

Respondent

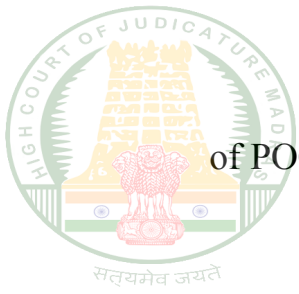
PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.108 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Vadavalli

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 09.02.2025, seeking bail in Crime No.108 of 2025 registered for the offence under Sections 5(I) r/w 6



of POCSO Act.

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2.It is the case of the prosecution that the petitioner aged 19 years and the victim girl aged 13 years had a love affair; that on 04.02.2025, at the instance of the petitioner, the victim girl went along with the petitioner, stayed with him in his room, lived as husband and wife and had sexual intercourse and thus committed the aforesaid offences.

3.The learned counsel for the petitioner would submit that the allegations are false; that in any case, the alleged occurrence is pursuant to a love affair and due to mutual innocence and biological attraction and considering the period of incarceration, he may be released on bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the the victim girl is aged 13 years and the accused had committed penetrative sexual assault on the victim girl. He also produced a copy of the statement of the victim recorded under Section 183 of BNSS, 2023.



5.This Court had perused the statement of the victim. The statement of the victim girl confirms the fact that the petitioner and the victim girl had a love affair. The victim girl had voluntarily gone with the petitioner. Consent of the victim is immaterial since the victim is aged about 13 years. However, considering the age of the petitioner, the relationship between the petitioner and the victim, this Court is of the view that further custody of the petitioner is not required. 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 **Mahalir Neethimandram (FTMC), Tiruppur**, and on further conditions that:

[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;

[b] the petitioner shall report before the respondent Police,



everyday at 10.30 a.m., until further orders;

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

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[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.

08.04.2025

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Copy to:



1.The Inspector of Police,
Anuppparpalayam Police Station,
Tiruppur City.

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2.The Mahalir Neethimandram (FTMC), Tiruppur.

3.Central Prison, Puzhal, Chennai.

4.The Public Prosecutor, High Court, Madras.

SUNDER MOHAN, J.



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