



Crl.OP.No.10956 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 15.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.10956 of 2025

1.Mallesha

2.Muniyamma

.. Petitioners

Vs.

The State rep by
The Inspector of Police,
AWPS Police Station,
Denkanikottai
Krishnagiri District.
(Crime No.14 of 2025)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event
of their arrest in Crime No.14 of 2025 on the file of the respondent Police.

For Petitioners : M/s.Radha Pandian

For Respondent : Mr.S.Balaji
Government Advocate(Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent
police for the offences punishable under Section 87 of BNS Act, 2023 and



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Section 9, 10 of Prohibition of Child Marriage Act, 2006 and Section 7, 8 of Protection of Child From Sexual Offenses Act, 2012 in Crime No.14 of 2025, seek anticipatory bail.

2. The case of the prosecution is that the 1st petitioner is the brother of the first accused and the 2nd petitioner is the wife of the 1st petitioner; that the first accused forcibly married the victim girl aged 15 years and committed penetrative sexual assault; that the marriage took place in the presence of the petitioners and the other accused and thus the petitioners committed the aforesaid offences.

3. The learned counsel appearing for the petitioner would submit that the allegations are false and the petitioners have nothing to do with the alleged offence and that in any case, custodial interrogation is not required and prayed for anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and submitted that the 1st



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petitioner is the brother of the first accused and the 2nd petitioner is the wife of the 1st petitioner; that the first accused had already been arrested and still in custody.

5. Considering the aforesaid facts, the nature of allegations against the petitioners and since custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 is made ready, before the **Magalir Neethi Mandram (Fast Track Mahil Court), Krishnagiri**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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 petitioners and the sureties shall affix their photographs and



Crl.OP.No.10956 of 2025

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 1st petitioner shall report before the respondent police twice a week at 10.30 a.m., until further orders and the 2nd petitioner shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

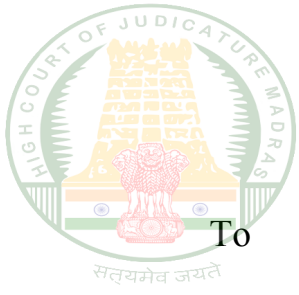
[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the Petitioners in accordance with law as if the 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)AIR SCW 5560]**;

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

15.04.2025

Index : Yes / No
Internet : Yes / No
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Crl.OP.No.10956 of 2025

To

WEB COPY

- 1.The Inspector of Police,
AWPS Police Station,
Denkanikottai
Krishnagiri District.
- 2.The Magalir Neethi Mandram
(Fast Track Mahil Court),
Krishnagiri,
- 3.The Public Prosecutor,
Madras High Court,
Chennai.

SUNDER MOHAN , J.

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WEB COPY



Crl.OP.No.10956 of 2025

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