



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.11252 of 2025

Sakthivel

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
All Women Police Station,
Dharapuram,
Tiruppur District.

(Crime No.7 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.7 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.N.Ponraj

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 12.02.2025, seeking bail in Crime No.7 of 2025 registered for the offence under Section 87 of BNS r/w 5(1) and 6 of POCSO Act.

2.It is the case of the prosecution that the petitioner aged 19 years and the victim girl aged 14 years had a love affair; that the victim girl had left her parents house and went along with the petitioner to different places and had sexual intercourse; that at the instance of the victim's father, the complaint was lodged.

3.The learned counsel for the petitioner would submit that it is a case of love affair and the relationship was 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 produced a copy of the statement of the victim



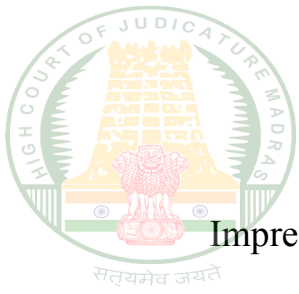
recorded under Section 183(5) of BNSS and submitted that final report has been filed.

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5.This Court has perused the statement of the victim recorded under Section 183(5) of BNSS and it confirms the fact that the petitioner and the victim had a love affair and the victim girl had voluntarily gone with the petitioner.

6.Considering the above facts, the age of the petitioner and the fact that the final report has been filed, this Court is of the view that further custody is not required. Hence, this Court is inclined to grant bail to the petitioner with certain conditions.

7.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 learned **Sessions Judge, Magalir Neethimandram (FTMC), Tiruppur (FAC)**, and on further conditions that:



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[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;

[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.

16.04.2025

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Copy to:

1.The Inspector of Police,
All Women Police Station,
Dharapuram,
Tiruppur District.

2.The Sessions Judge, Magalir Needhimandram (FTMC),
Tiruppur (FAC).

3.Central Prison, Coimbatore.

4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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