



WEB COPY



CRL O.P. No.11506 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.04.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.11506 of 2025

Thangadurai S/o. Chandiran

... Petitioner / Accused

Vs

State rep. by:-

The Station House Officer,
Kariyalur Police Station,
Kallakurichi District.
[Cr. No.79 of 2025]

... Respondent

PRAYER:- Criminal Original Petition filed under Section 483 of BNSS,
pleased to enlarge the petitioner on bail, in connection with the Crime
No.79 of 2025, pending investigation on the file of the respondent
Police.

For Petitioner : Mr. R. Prabudoss

For Respondent : Mr. Leonard Arul Joseph Selvam,
Government Advocate
[Criminal side]

ORDER



CRL O.P. No.11506 of 2025

WEB COPY

This Criminal Original Petition has been filed by the petitioner/accused, who was arrested and remanded to judicial custody on 01.04.2025, seeking bail in Crime No.79 of 2025 registered for the offences under Sections 5(l), 5(j)(ii) and 6(1) of POCSO Act, 2012 read with Section 107 of B.N.S..

2. The case of the prosecution is that the petitioner and the victim girl, who is aged about 17 years, had a love affair; that on the promise of marriage, the petitioner had sexual intercourse with the victim girl; that thereafter refused to marry her; and that the victim girl got conceived and she committed suicide. Hence the case.

3. Learned counsel for the petitioner would contend that the allegations against the petitioner are false; that the victim girl, whose age is shown as 19 years, in her dying declaration, has not accused the petitioner; that since she became pregnant, she got frustrated and committed suicide; that the petitioner is in judicial custody from 01.04.2025; and that considering the nature of offences and period of



CRL O.P. No.11506 of 2025

incarceration, the petitioner may be released on bail.

WEB COPY

4. The learned Government Advocate (Criminal Side), on instructions, while opposing the grant of bail to the petitioner, reiterated the prosecution case and produced the copy of the dying declaration of the victim girl and submitted that investigation is pending. Further he prayed that in event of this Court granting bail, the petitioner may be directed to co-operate with the respondent police for conducting medical examination.

5. This Court had perused the dying declaration of the victim girl. In the dying declaration, the victim girl has not accused the petitioner and has confirmed the fact that the victim girl and the petitioner had a consensual relationship. She had further stated that she was upset as she became pregnant and hence she committed suicide. Considering the aforesaid facts, nature of allegations, submissions made by the learned counsels on either side, the age of the petitioner and the victim girl, this Court is of the view that further custody of the petitioner is not required



CRL O.P. No.11506 of 2025

for the purpose of investigation. Therefore, this Court is inclined to grant bail to the petitioner with certain conditions.

WEB COPY

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 **learned Judicial Magistrate, Sankarapuram, Kallakurichi District** 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 appear before the respondent police everyday at 10.30 a.m., until further orders;

[c] the petitioner shall co-operate with the respondent police for conducting medical examination, if needed;

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



WEB COPY



CRL O.P. No.11506 of 2025

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] 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];***

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

29.04.2025

mjs

To

1. The Judicial Magistrate, Sankarapuram, Kallakurichi District.
2. The Station House Officer, Kariyalur Police Station, Kallakurichi District.
3. The Superintendent of Police, Central Prison, Cuddalore.
4. The Public Prosecutor, High Court of Madras.

SUNDER MOHAN. J.,



WEB COPY



CRL O.P. No.11506 of 2025

mjs

CRL O.P. No.11506 of 2025

29.04.2025