



Crl.OP.No.11846 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 22.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.11846 of 2025

Senthilkumar

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
Kangayam Police Station,
Tiruppur District.
(Crime No.669 of 2024)

.. Respondent

Prayer: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail in Crime No.669 of 2024, pending on the file of the respondent.

For Petitioner : M/s.K.Gopinath

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate(Crl.Side)



Crl.OP.No.11846 of 2025

WEB COPY

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 18.01.2025, seeking bail in Crime No.669 of 2024 registered for the offence under Section 9, 5(1) r/w Section 6 of POCSO Act and Section 87 of BNS (Section 366 of IPC).

2. It is the case of the prosecution that the petitioner, aged 21 years, eloped with the defacto complainant, aged 16 years; that they both had a love affair and since the defacto complainant is a minor, a case was registered and the petitioner was arrested. Hence, the case.

3. The learned counsel for the petitioner would submit that the allegations are false and in any case, considering the period of incarceration, further custody of the petitioner is not required and sought for bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and this is the second instance in which the petitioner and the defacto complainant have eloped.

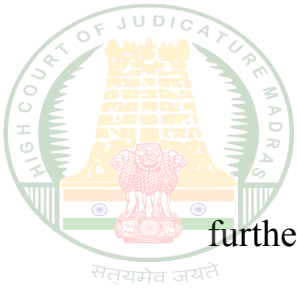


The learned Government Advocate confirmed the fact that it is a case of love affair and also produced the copy of the Section 183 BNSS statement of the victim girl.

5. This court had perused the Section 183 BNSS statement of the victim girl. It is seen from the statement that the victim had gone voluntarily with the petitioner.

6. Though the act of the petitioner cannot be justified, considering the nature of allegations, the age of the petitioner and the victim, the period of incarceration, the fact that the petitioner has no bad antecedents, and since further custody of the petitioner is not required, 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 Judicial Magistrate, Kangayam, Tiruppur District**, and on



further conditions that:

WEB COPY

[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



WEB COPY



Crl.OP.No.11846 of 2025

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.

22.04.2025

Index : Yes / No
Internet : Yes / No
skr

To

1. The Inspector of Police,
Kangayam Police Station,
Tiruppur District.
2. The learned Judicial Magistrate,
Kangayam, Tiruppur District.
3. The Superintendent of Prison,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.OP.No.11846 of 2025

SUNDER MOHAN, J.
skr

Crl.O.P.No.11846 of 2025

22.04.2025