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CrI.O.P.No.12914 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **21.05.2025**

CORAM

**THE HON'BLE MR. JUSTICE N.SENTHILKUMAR**

**CrI.O.P.No.12914 of 2025**

M.Santhosh Kumar

... Petitioner

-VS-

The State Represented by,  
The Inspector of Police,  
All Women Police Station,  
Gudiyatham, Vellore District.  
(Crime No.40 of 2025)

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 482 of Bharatiya  
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on bail in the  
event of their arrest by the respondent police in Crime No.40 of 2025 pending  
investigation on the file of the respondent police.

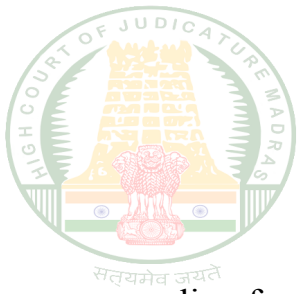
For Petitioner : Mr.C.D.Sugumar

For Respondent : Mr.A.Gopinath,  
Government Advocate (CrI.Side)

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**ORDER**

The petitioner, who apprehends arrest at the hands of the respondent

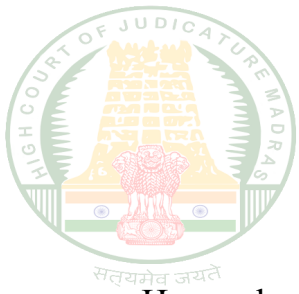


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police for the alleged offences under Sections 5(1)(r) r/w 6 of POCSO Act and under Section 64(2)(m) of BNS in Crime No.40 of 2025, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant, who is a minor victim girl, aged about 17 years, is that the accused, who is the relative of the victim girl, had committed aggravated penetrative sexual assault on her and also taken videos of the victim girl. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, aged about 31 years, is an innocent person and a false complaint has been given as against him. He further submitted that the petitioner was having a love affair with the minor victim girl, who is none other than the sister's daughter of the petitioner and when the family members of the victim girl came to know about the same, they refused the petitioner's proposal, due to the age difference between the victim and the petitioner. He further submitted that the petitioner has not committed penetrative sexual assault on the victim girl. He also submitted that the petitioner, without understanding the consequences and rigours of the Protection of Children from Sexual Offences Act, had taken the minor victim girl with him. He further submitted that he is now ready to marry the victim girl.



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Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner had kidnapped the minor victim girl and had committed penetrative sexual assault on her. He further submitted that the petitioner is none other than the relative of the victim girl. However, he opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the arguments from both sides, the nature of the offence, taking note of the fact that the petitioner is now ready to marry the victim girl, and also considering all other aspects, I am inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

7. Accordingly, this Criminal Original Petition stands allowed and the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Additional Mahila**



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**Court, Vellore District**, 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 learned Magistrate concerned and on further condition that:

**(a) the petitioner shall report before the concerned Judicial Magistrate daily at 10.30 a.m, from Monday to Friday and shall further appear before the respondent police at 10.30 a.m., on every Saturday and Sunday until further orders.**

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[d] 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

**21.05.2025**

drl



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**“Note:**

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.”

**To**

1. The Inspector of Police,  
All Women Police Station,  
Gudiyatham, Vellore District.
- 2.The Public Prosecutor,  
High Court, Madras.
- 3.The Judicial Magistrate,  
Additional Mahila Court,  
Vellore District,



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**N.SENTHILKUMAR,J**

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