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CRL O.P. No.12903 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.12903 of 2025

Silambarasan S/o. Palanisamy ... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
Kangayam All Women Police Station,
Kangayam,
Tiruppur District.
[Cr. No.6 of 2025]

... Respondent

PRAYER: - Criminal Original Petition filed under Section 483 of BNSS,

pleaded to enlarge the petitioner on bail, in connection with the Crime

No.6 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr. K. Sudhakar

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

ORDER

This Criminal Original Petition has been filed by the

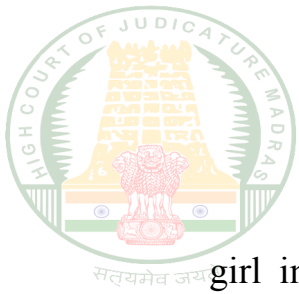


CRL O.P. No.12903 of 2025

petitioner/accused, who was arrested and remanded to judicial custody on 19.02.2025, seeking bail in Crime No.6 of 2025 registered for the offences under Sections 5(l), 5j(ii) read with 6 of POCSO Act, 2012, Section 9 of Prohibition of Child Marriage Act and Sections 87 and 115(2) of B.N.S.

2. The case of the prosecution is that the petitioner, aged about 21 years and the victim, aged about 15 years, had a love affair; that thereafter, they got married on 23.06.2024 in the presence of elders; that there were matrimonial differences between the petitioner and the victim; that the petitioner had beaten the victim girl; that in the meantime, the victim became pregnant; that she went to her parents house; that she aborted the child and thus, the petitioner committed the aforesaid offences.

3. Learned counsel for the petitioner would contend that the allegations against the petitioner are false; that this is a case of love affair; that the marriage took place between the petitioner and the victim



CRL O.P. No.12903 of 2025

WEB COPY

girl in the presence of elders; that it is not a case of forcible sexual intercourse; that in any case, considering the nature of allegations and the period of incarceration, the petitioner may be released on bail.

4. The learned Government Advocate (Criminal Side), on instructions, while opposing the grant of bail to the petitioner, reiterated the prosecution case and submitted the copy of the statement of the victim recorded under Section 183 of B.N.S.S. and confirmed the fact that the petitioner and the victim had a consensual relationship.

5. This Court perused the statement of the victim, which confirms the fact that the victim and the petitioner had a consensual relationship. They got married and the victim girl was living with the petitioner in his house along with his parents. It is also seen that thereafter, there were matrimonial differences and the victim girl went to her parents house. Though the conduct of the petitioner in marrying a minor cannot be justified, considering the period of incarceration, nature of allegations and since further custody of the petitioner is not required for the purpose



CRL O.P. No.12903 of 2025

WEB COPY

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

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 **Sessions Court, Mahila Neethimandram (FTMC), Tiruppur** 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 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,



WEB COPY



CRL O.P. No.12903 of 2025

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.

29.04.2025

mjs

To

1. The Sessions Court, Mahila Neethimandram (FTMC), Tiruppur
2. The Inspector of Police, Kangeyam All Women Police Station, Kangeyam, Tiruppur District.
3. The Superintendent of Police, Central Prison, Coimbatore.
4. The Public Prosecutor, High Court of Madras.

SUNDER MOHAN. J.,

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CRL O.P. No.12903 of 2025

CRL O.P. No.12903 of 2025

29.04.2025