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Crl.O.P.No.13664 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.05.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.13664 of 2025

Poobalakrishnan

... Petitioner

Vs.

State Rep. by,
The Inspector of Police,
All Women Police Station,
Attur, Salem District.
(Crime No.14 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, pending investigation of the case in Crime No.14 of 2025, on the file of the respondent Police.

For Petitioner : Mr.M.Vijaya Ragavan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.03.2025 for the offences punishable under Sections 9 r/w 10 of Prohibition of

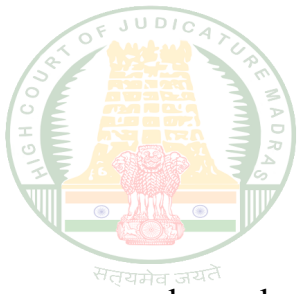


CrI.O.P.No.13664 of 2025

Child Marriage Act, 2006 and Section 5(1), 5(j)(ii) r/w 6 of the Protection of Children from Sexual Offences Act, 2012 in Crime No.14 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the victim girl are relatives and had a love affair. Due to the this, the petitioner made a false promise to her and thereby committed penetrative sexual assault against her on several occasions. When the parents of the victim girl came to know about the love affair, they arranged for her to marry one Bijaydas. As a result, the victim consumed cow dung and was admitted in the hospital. At that time, it was confirmed that she was pregnant by the petitioner. Hence the complaint.

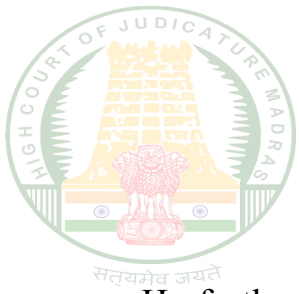
3. The contention of the learned counsel appearing for the petitioner is that the petitioner has been falsely implicated in this case. The victim is a relative, and there was a marriage proposal between the petitioner and the victim. The petitioner is a driver by profession. The victim's father had asked the victim to stay in the petitioner's house, where her uncle and aunt had taken care of the victim. This being so, on 05.08.2024, it is projected that the petitioner tied a thali and also committed penetrative sexual assault on her. Thereafter, both families decided that the marriage between the petitioner and the victim was to be held shortly. In the meanwhile, the victim was taken to the house of her step mother,



Crl.O.P.No.13664 of 2025

where she was forcibly married to one Vijaya Kumar. The victim disclosed her relationship with the petitioner and also informed about the missing of her periods. Thereafter, the victim was sent to the matrimonial home by Vijayakumar. The further contention of the petitioner is that the petitioner and victim were relatives which is not in dispute. The victim had voluntarily stayed in the petitioner's house, since her father had another marriage. The petitioner's family and the victim's family are uneducated, and their family practice permits marriage at a young age. Now, the step mother of the victim has projected a false case against the accused, forcing the victim to marry Vijaya Kumar against her wishes. He further submitted that the petitioners were arrested on 16.03.2025. He also submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and further submitted that the the petitioner is A1 and earlier the petitioner had married the victim girl and later the victim's step mother A4 had made arrangements and given in marriage to victim to A2. Further, the victim had informed about her earlier relationship with A1 and thereafter, the victim was sent to the matrimonial home by Vijayakumar.



Crl.O.P.No.13664 of 2025

He further submitted that totally there are seven accused in this case apart from the petitioner, the parents of the victim ie., victim's father and step mother are arrayed as A3 and A4. Hence, he opposed for granting bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, the submission made by the learned counsel appearing on either side and the period of incarceration suffered by the petitioner, 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.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned *Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Salem*, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of four weeks and thereafter, as and when required for further interrogation;



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Crl.O.P.No.13664 of 2025

[c] the petitioner shall make herself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

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

14.05.2025

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.



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Crl.O.P.No.13664 of 2025

M.NIRMAL KUMAR, J.

Vv

To

1. The Sessions Judge,
Special Court for Exclusive Trial of Cases under POCSO Act,
Salem
2. The Inspector of Police,
All Women Police Station,
Attur, Salem District.
3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor, High Court of Madras.

Crl.O.P.No.13664 of 2025

14.05.2025