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CRL O.P. No.13266 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.04.2025

**CORAM:**

**THE HON'BLE MR.JUSTICE SUNDER MOHAN**

**CRL O.P. No.13266 of 2025**

B. Selvam s/o. Balaiya ... Petitioner / Accused

Vs

**State rep. by:-**

The Inspector of Police,  
All Women Police Station,  
Sooramangalam,  
Salem City.

... Respondent

[Cr. No.13 of 2025 ]

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

pleased to enlarge the petitioner on bail, in connection with the Crime  
No.13 of 2025, pending investigation on the file of the respondent  
Police.

For Petitioner : Mr. A. Saravanan

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

**ORDER**



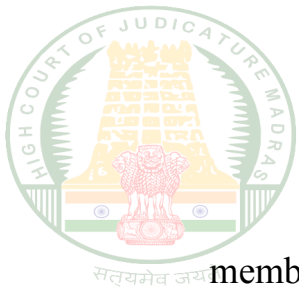
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This Criminal Original Petition has been filed by the petitioner/accused, who was arrested and remanded to judicial custody on 09.04.2025, seeking bail in Crime No.13 of 2025 registered for the offences under Section 9 of Prohibition of Child Marriage Act and Sections 5(l) read with 6 of POCSO Act, 2012.

2. The case of the prosecution is that the petitioner is a maternal uncle of the victim girl; that the petitioner married the victim girl, aged about 14 years; that thereafter, the petitioner committed penetrative sexual assault on the victim girl; that on information, the Child Welfare Committee visited the house of the petitioner and lodged complaint against the petitioner 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 the petitioner is a maternal uncle of the victim; that both had a love affair; that with the consent of the elders, they both got married; that none of the family



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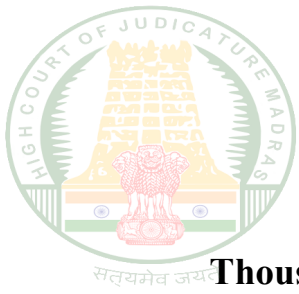
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members has lodged complaint; that in any case, considering the period of incarceration of the petitioner, he may be released on bail.

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.

5. This Court perused the statement of the victim, which confirms the fact that the victim and the petitioner are close relatives and they had a love affair; and that the marriage was solemnized with the blessings of elders. Though the conduct of the petitioner in marrying a minor cannot be justified, considering the aforesaid facts, period of incarceration, nature of allegations and since further custody of the petitioner is not required for the purpose 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**



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**Thousand only)** with **two sureties**, one of them should be a blood relative and another surety should be a local surety, each for a like sum to the satisfaction of the **Sessions Court, Principal POCSO Court, Salem** 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, 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***



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***Kerala [(2005)AIR SCW 5560];***

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

**28.04.2025**

*mjs*

To

1. The Sessions Court, Principal POCSO Court, Salem.
2. The Inspector of Police, All Women Police Station, Sooramangalam, Salem City.
3. The Superintendent of Police, Central Prison, Salem.
4. The Public Prosecutor, High Court of Madras.

**SUNDER MOHAN. J.,**

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