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CRL.O.P.No.13569 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 11.07.2025

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL.O.P.No.13569 of 2025

1. K.Arif
2. A.Seema

Petitioners

Vs

State Rep. by the Inspector of Police,
All Women Police Station,
Kallakurichi,
Kallakurichi District.
(Crime No.20 of 2025).

Respondent

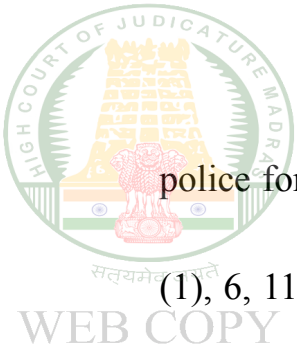
PRAYER: Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioners on bail in the event of arrest in Crime No. 20 of 2025 on the file of the Inspector of Police, All Women Police Station, Kallakurichi and Kallakurichi District.

For Petitioners : Mr.P.Rajavel

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent



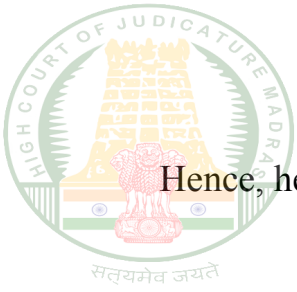
police for the offences punishable under Section 296 (b), 351 (2) of BNS r/w 5

(1), 6, 11 (1) and 12 of POCSO Act, in Crime No.20 of 2025, on the file of the

respondent Police, seek anticipatory bail.

2.The case of the prosecution is that, the petitioners are the relatives of the main accused A1. A1 is alleged to have committed penetrative sexual assault on the minor victim girl who is aged about 16 years and thereafter captured the same in his mobile phone and threatened to circulate the same. The victim girl's mother informed the same to the petitioners and they also threatened her. Hence the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they had been falsely implicated in this case. The accused A1 and the victim girl were in love with each other and they also involved in physical relationship. He further submitted that the petitioners are ready to abide by any stringent condition that may be imposed by this Court.



Hence, he prayed for grant of anticipatory bail to the petitioners.

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4.Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that 164 statement of the victim girl is recorded. Hence, he opposed for grant of anticipatory bail to the petitioners.

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

6.On perusal of the 164 statement of the victim girl, it is seen that there is no reference mentioned about the petitioners and since, custodial interrogation of the petitioners is not required, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial**



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Magistrate-1, Kallkurichi, Kallakurichi District on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each with two sureties** each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] if the petitioners fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] 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;

[c] **the first petitioner shall report before the respondent police daily at 10.30 a.m. for a period of three weeks; thereafter as and when required for interrogation; the second petitioner shall report before the respondent Police as and when required for interrogation;**

[d] the petitioners shall not abscond either during



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investigation or trial and he shall make himself available for interrogation by a Police Officer as and when required;

[e] the petitioners shall not directly or indirectly cause any threat to the de facto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;;

[f] the petitioners 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;

[g] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions have been imposed and the petitioners 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];

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



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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Inspector of Police,
All Women Police Station,
Kallakurichi,
Kallakurichi District.

2. Judicial Magistrate No.I
Kallakurichi, Kallakurichi district.

3. The Public Prosecutor
Madras High Court.



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M.NIRMAL KUMAR J.

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