



WEB COPY

Crl.O.P.No.13735 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.13735 of 2025

Vinith

...Petitioner/Accused

Vs.

State Government of Tamil Nadu rep by
The Inspector of Police,
All Women Police Station,
Mangalamedu,
(Crime No.38 of 2022)

...

Respondent

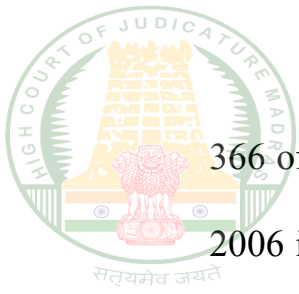
PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the Petitioner on bail for the alleged offences U/S 363, 366 of IPC and 5(1), 5(j) (ii), 6 of POCSO Act and 9 of Child Marriage Act 2006 in Spl.S.C.No.2 of 2023 pending on the file of the Learned Sessions Judge, Mahila Court, Perambalur.

For Petitioner : Mr.T.Saravanan

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

ORDER

The petitioner, who is facing trial for the offence under Section 363,



366 of IPC and 5(1), 5(j) (ii), 6 of POCSO Act and 9 of Child Marriage Act

2006 in Cr.No.38 of 2022 on the file of the Learned Sessions Judge, Mahila

Court, Perambalur, did not appear before the Trial Court and a Non-Bailable

Warrant has been issued on 27.08.2024 and thereafter, the same was

executed on 16.01.2025 and remanded to judicial custody and hence, seeks

bail.

2.The learned counsel for the petitioner would submit that the allegations are false; that the hearing of the case was not known to the petitioner, he was not able to appear before the Trial Court; and that in any case, considering the period of incarceration, the petitioner may be released on bail.

3.Per contra, the learned Government Advocate (Criminal Side) reiterated the prosecution case and submitted that due to the non appearance of the petitioner before the Trial Court, NBW was issued on 27.08.2024 and he was arrested on 16.01.2025 and that there is no previous case against the petitioner.



4.Considering the aforesaid facts, the period of incarceration, the allegation is that the petitioner had a love affair with the victim and since the petitioner has no bad antecedents, this Court is of the view that further custody of the petitioner is not required. Hence, this Court is inclined to grant bail to the petitioner with certain conditions:-

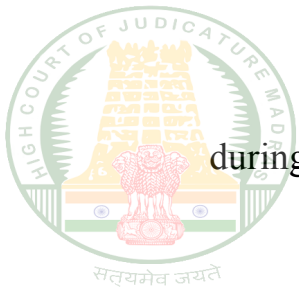
5.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Sessions Judge, Mahila Court, Perambalur**, and on further conditions that:

[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 petitioners shall report before the Trial Court everyday at 10.30 a.m., until further orders.

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the 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)AIR SCW 5560]***;

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

29.04.2025

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Copy to:

- 1.The Inspector of Police,
All Women Police Station,
Mangalamedu.
- 2.The Sessions Judge, Mahila Court, Perambalur.
- 3.Central Prison, Trichy.
- 4.The Public Prosecutor, High Court, Madras.



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SUNDER MOHAN, J.

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