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Crl. O.P. No.14329 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.14329 of 2025

Abikumar S/o. Kulanthai Velu

... Petitioner

Vs.

State Rep. by -

The Inspector of Police,
W-16 All Women Pulianthope Police Station.
(Crime No.8 of 2023).

... Respondent

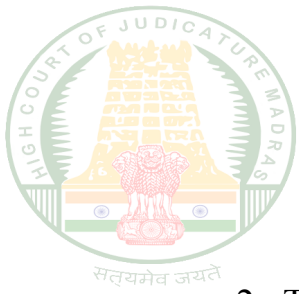
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in
Crime No.8 of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Ms. M. Mubeen

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

ORDER

Petition seeking bail in respect of Crime No.8 of 2023 registered for the
alleged offences punishable under Sections 6 and 9 of POCSO Act, 2012 read
with Section 366 of IPC, is on board for consideration.



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2. The petitioner and the victim girl are relatives. As per the family customs, they got married. Since the victim became pregnant, she was taken to Government hospital. On the information received from the hospital, this case has been registered.

3. The contention of the learned counsel appearing for the petitioner is that false case has been foisted against the petitioner and it is a marriage of choice and not of any force and the petitioner has nothing to do with the alleged offence. He further submitted that the petitioner was arrested on 01.04.2025. 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 petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and further submitted that the victim girl was 17 years at the time of her marriage. The petitioner was absconding from 31.12.2024 and hence NBW was issued and only on 01.04.2025, he was arrested on execution of NBW. The petitioner is the uncle of the victim and there was a marriage of under age. He further submitted that investigation was not completed and hence he opposed for granting bail to the petitioner.



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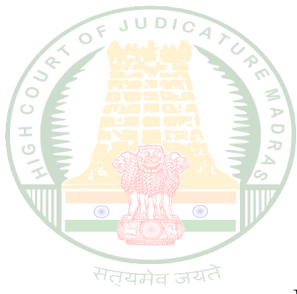
5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, the submission made by the learned counsel appearing on either side, nature of offences 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 her 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 **Special Judge for exclusive trial of Cases under POCSO Act, Chennai**, 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



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Police, everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for further interrogation;

[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

mjs

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



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Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.



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M.NIRMAL KUMAR, J.

mjs

To

1. The Special Judge for exclusive trial of Cases under POCSO Act, Chennai.
2. The Inspector of Police,
W-16 All Women Pulianthope Police Station.
3. The Superintendent,
Central Prison, Puzhal-II, Chennai.
4. The Public Prosecutor,
High Court of Madras.

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