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Crl. O.P. No.14477 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.14477 of 2025

Sathish Kumar S/o. Shankar

... Petitioner

Vs.

State Rep. by -

The Inspector of Police,
Vaniyambadi Taluk Police Station,
Vaniyambadi,
Tirupathur District.
(Crime No.126 of 2025).

... Respondent

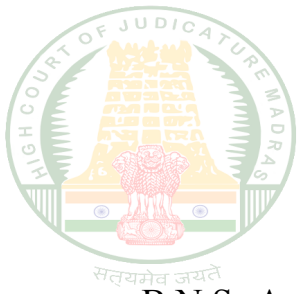
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in
Crime No.126 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr.G. Vinodhkumar

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

ORDER

Petition seeking bail in respect of Crime No.126 of 2025 registered for the
alleged offences punishable under Section 'Girl missing' @ Section 64(2)(m) of

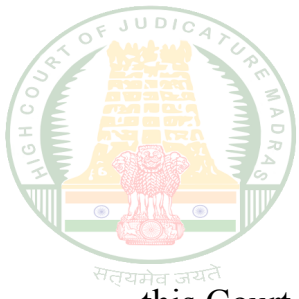


Crl. O.P. No.14477 of 2025

B.N.S. Act, Sections 5(1) and 6 of POCSO Act read with Sections 9 and 10 of Child Marriage Act, is on board for consideration.

2. The petitioner was arrested by the respondent police on 10.04.2025 based on a complaint given by his wife's father projecting that the wife of the petitioner is a minor.

3. The contention of the learned counsel appearing for the petitioner is that the petitioner and the victim girl had loved and both of them got married. According to the petitioner, the date of birth of the victim is 20.04.2005, but the victim's father had produced the birth certificate of the victim to show that the victim was born in the year 2010. The Aadhar card and other records confirm the date of birth of the victim as 20.04.2005. The learned counsel for the petitioner produced the copy of the birth certificate of the victim. He submitted that both the petitioner and the victim were planning to live together and the marriage between the petitioner and the victim was not approved by the victim's father and hence this false case has been registered against the petitioner. He further submitted that the petitioner was arrested on 02.04.2025. He also submitted that the petitioner is ready to abide by any stringent condition that may be imposed by



Crl. O.P. No.14477 of 2025

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 investigation has not yet completed and opposed for granting bail to the petitioner.

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 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, Tirupathur**, 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



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Crl. O.P. No.14477 of 2025

ensure their identity;

[b] the petitioner shall report before the respondent 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

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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



CrI. O.P. No.14477 of 2025

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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Crl. O.P. No.14477 of 2025

M.NIRMAL KUMAR, J.

mjs

To

1. The Special Judge for Exclusive trial of Cases under POCSO Act,
Tirupathur.
2. The Inspector of Police,
Vaniyambadi Taluk Police Station,
Vaniyambadi,
Tirupathur District.
3. The Superintendent,
Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.

Crl. O.P. No.14477 of 2025