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Crl.O.P.No.14896 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.05.2025

CORAM

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

Crl.O.P.No.14896 of 2025

Kumaraguru

... Petitioner

-VS-

The State Represented by,
The Station House Officer,
Mangalam Police Station,
Puducherry.
(Crime No.44 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on bail in the
event of their arrest by the respondent police in Crime No.44 of 2025 pending
investigation on the file of the respondent police.

For Petitioner : Mr.M.P.Yuvaraj

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police
for the alleged offences under Section 137(2) of BNS, 2023 @ 137(2) of BNS,



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2023 and Section 6 of POCSO Act, 2012 in Crime No.44 of 2025, seeks anticipatory bail.

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2. On the complaint given by the *de-facto* complainant that her daughter, aged about 17 years was found missing, a "girl missing" case in Crime No.44 of 2025 was registered by the respondent Police. During the course of investigation, it came to light that the accused had kidnapped the minor victim girl, aged about 17 years and committed penetrative sexual assault on her, thereby, the case has been altered to one under Section 137(2) of BNS and Section 6 of Protection of Children from Sexual Offences Act, 2012. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, aged about 27 years, is an innocent person and a false complaint has been given as against him. He further submitted that the petitioner was having a love affair with the minor victim girl and the family members of the victim girl came to know about the same. The victim, out of depression, had come out of her house and eloped with the petitioner. He also submitted that the petitioner, without understanding the consequences and rigours of the Protection of Children from Sexual Offences Act, had taken the minor victim girl with him.



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Hence, he prays to grant anticipatory bail to the petitioner.

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4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner had kidnapped the minor victim girl and committed penetrative sexual assault on her. He further submitted that the minor victim girl has been secured and the statement of the victim girl has not yet been recorded. However, he opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the arguments from both sides, the nature of the offence, taking note of the fact that the victim and the petitioner were loving each other and she, on her own volition has gone along with the petitioner and also considering all other aspects, I am inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

7. Accordingly, this Criminal Original Petition stands allowed and the



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petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Sessions Judge Fast Track Court (POCSO Act), Puducherry**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) **the petitioner shall report before the concerned Judicial Magistrate daily at 10.30 a.m, from Monday to Friday and shall further appear before the respondent police at 10.30 a.m., on every Saturday and Sunday until further orders.**

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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



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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].

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[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

21.05.2025

drl

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

To

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1. The Station House Officer,
Mangalam Police Station,
Puducherry.

2.The Public Prosecutor,
High Court, Madras.

3.The Sessions Judge Fast Track Court (POCSO Act),
Puducherry,



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N.SENTHILKUMAR,J

drl

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