



Crl.O.P.No.15062 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.15062 of 2025

Gopinath

... Petitioner

Vs.

State rep. by
The Inspector of Police
AWPS-Udumalpet
Tiruppur
Crime No. 24 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner on bail pending investigation in Crime No. 24 of 2025 on the file of the respondent police.

For Petitioner : Mr.K.Karthik

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.04.2025, for the offence punishable under Section 87 of BNS r/w Sections 3(a), 4(1) of POCSO Act, 2012, in connection with Crime No.24 of 2025, registered on the file of the respondent, seeks bail.

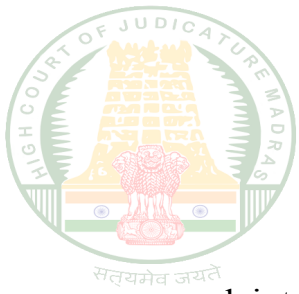


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2. The case of the prosecution as per the defacto complainant is that petitioner and the victim girl aged about 17 years were loved each other and the victim girl eloped with the petitioner on 17.04.2025. Thereafter, the victim girl was produced by petitioner with defacto complainant on 18.04.2025. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is in no way connected with the alleged offence, however, he is suffering incarceration from 18.04.2025. It is the contention of the petitioner that the petitioner and victim girl were neighbours and she used to come to his house to share her difficulties faced in her parental house. Later, the victim girl developed interest with the petitioner and she also insisted him to marry her. However, the petitioner refused to marry her stating that there is a huge age difference between them. It is his contention that on 17.04.2025, there is some dispute in victim's family and the victim came to his house and requested the petitioner to marry her immediately and the petitioner resisted the same. Since she was in a depressed state of mind, she might take any extreme steps, hence, the petitioner has taken her to Palani temple from there, a



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complaint has been lodged against him as if the petitioner kidnapped the victim girl. He further 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 Additional Public Prosecutor appearing for the respondent police, produced the 164 statement recorded from the victim girl and submitted that victim had voluntarily gone with the petitioner and she also stated that the petitioner also resisted the marriage proposal. However, he opposed for grant of bail to the petitioner.

5. Heard both sides and perused the materials available on record including the statement recorded under Section 183 of BNSS from the victim girl.

6. Considering the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side, the period of incarceration undergone by the petitioner and taking note of the statement recorded under Section 183 of BNSS from the victim girl that she, on her own volition has gone along with 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 his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with



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two sureties, each for a like sum to the satisfaction of the **learned Special Judge, Mahalir Neethimandram (FTMC) at Tiruppur** 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 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 himself 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



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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]**;

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

26.06.2025

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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 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.



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M.NIRMAL KUMAR, J.

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To

1. The learned Special Judge, Mahalir Neethimandram (FTMC), Tiruppur
2. The Inspector of Police
AWPS-Udumalpet
Tiruppur
3. The Superintendent,
Sub-Jail, Dharapuram
4. The Public Prosecutor,
High Court, Madras.

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