



Crl.O.P.No.15426 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.05.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.15426 of 2025

Karthi @ Karthick

... Petitioner

Vs.

State rep. by
The Inspector of Police
Pappireddipatti Police Station
Dharmapuri District.
Crime No. 81 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 the Crime No.81 of 2025, on the file of respondent police.

For Petitioner : Mr.C.Deepak Kumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.04.2025, for the offence punishable under Sections 5(l), 5(j)(ii) and 6(1) of POCSO Act, 2012, in connection with Crime No.81 of 2025, registered on the file of the respondent, seeks bail.



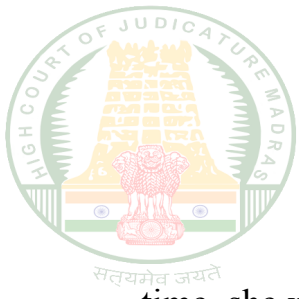
Crl.O.P.No.15426 of 2025

WEB COPY

2. The case of the prosecution is that the petitioner aged about 19 years and the minor victim girl aged about 14 years are known to each other and they were having a love affair, while so, on 12.05.2025, the petitioner had called her to his grandmother's house and committed penetrative sexual assault on her due to which, she became 8 month pregnant. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner and the victim girl were having a love affair and 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 and other than that he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in custody from 01.04.2025, hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, submitted that the petitioner, aged about 19 years, had taken the minor victim girl, aged about 14 years, and committed penetrative sexual assault on her. He further submitted that the victim had gone to the hospital for medical examination at that



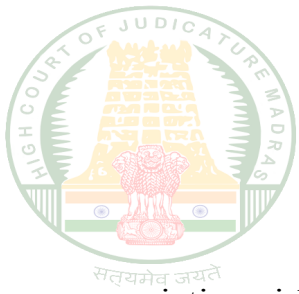
Crl.O.P.No.15426 of 2025

time, she was found pregnant and also found to be minor. Thereafter, the hospital authorities informed the child helpline that the victim girl is 9 months pregnant. He also submitted that now the victim girl is residing with her parents.

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

6. It is seen that the petitioner and the minor victim girl were having a love affair and both belonged to the same area with same social background. The petitioner is a daily wage earner and the victim informed the petitioner that she is a major and according to the petitioner, she is a major. Further, their love relationship were also approved by their parents. Now, the victim had become pregnant and gone to the hospital for medical check up. Neither the parents of the petitioner and the victim girl nor anybody from the village have raised any objection to their relationship. The victim had gone to the hospital for medical check up at that time, she was found pregnant and the age of the victim was found to be minor. Hence, a case has been registered for the above said offences.

7. Now, the victim girl is 9 months pregnant and she is residing with her parents. Both the petitioner and the victim girl belonged to the same area and the medical examination has also been concluded. The petitioner is of 19 years age. Considering the facts and circumstances of the case, age of the petitioner, the period of incarceration undergone by the petitioner, the petitioner has taken the



Crl.O.P.No.15426 of 2025

victim girl without knowing the consequence of POCSO Act and further the petitioner was made to be believed that victim was a major and their relationship has also not been objected, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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 **two sureties**, each for a like sum to the satisfaction of the learned **Special Court for Exclusive Trial case under POCSO Act, Dharmapuri** 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;



WEB COPY



CrI.O.P.No.15426 of 2025

[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.

15.05.2025

nr

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.



Crl.O.P.No.15426 of 2025

WEB COPY

To

1. The Special Court for Exclusive Trial case under POCSO Act, Dharmapuri
2. The Inspector of Police
Pappireddipatti Police Station
Dharmapuri District.
3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.15426 of 2025

M.NIRMAL KUMAR, J.

nr

Crl.O.P.No.15426 of 2025

15.05.2025.