



WEB COPY

CRL OP No. 15140 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-05-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 15140 of 2025

1. Ramu

No.128-A, Barathi Nagar,
Moolapalayam, Erode District

Petitioner(s)

Vs

1. The State Rep. by the Inspector of
Police,
Kolathur Police Station, Salem District
(Crime.No.27/2025)No.128-A, Barathi
Nagar, Moolapalayam, Erode District

Respondent(s)

PRAYER

To enlarge the petitioner on bail in event of arrest in Crime No.27/2025 on the file of respondent and thus render justice.

For Petitioner(s): Mr. Deepak Kumar C

For Respondent(s): Mr.R.Vinothraja
Government Advocate (Crl.Side)



ORDER

WEB COPY

The petitioners, apprehend arrest for the alleged offences under Section 87 of B.N.S and Section 10 of Prohibition of Child Marriage Act, 2006, in Crime No.27 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner's brother A1 had forcibly taken the victim girl, aged 12 years, who is the daughter of the de-facto complainant, in a car and married the victim girl with the help of the accused A2 to A4, who are his parents and brother and thereafter, committed penetrative sexual assault on her. Hence the case.

3. Learned counsel for the petitioner/A4 submitted that he has nothing to do with the alleged offence and he has been falsely implicated in this case. He further submitted that the only overtact as against the petitioner is that he helped the A1 for performing the marriage with the victim girl. He further submitted that the main accused/A1 was already enlarged on bail and A2 and A3 were also granted anticipatory bail by the court below. Hence, he prayed for anticipatory bail to the petitioners.

4. Learned Advocate (Crl.side) submitted that the defacto complainant lodged a complaint stating that when she was a minor, A1 had forcibly taken her



and performed marriage with the victim girl with the active connivance of the petitioner/A4 and his parents/A2 and A3 and thereafter, he had committed penetrated sexual assault on the victim girl. Based on the said complaint, a case has been registered against the accused under section 87 of BNS and Section 10 of Prohibition of Child Marriage Act 2006. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the fact that the prime accused/A1 as well as his parents/A2 and A3 were already released on bail, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.I, Mettur**, on condition that each of the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



WEB COPY



[b] The petitioners shall appear before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for further interrogation.

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]*;

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

16-05-2025

ASI/UMA



CRL OP No. 15140 of 2025



WEB COPY
To

1. The Inspector of Police,
Kolathur Police Station, Salem District
(Crime.No.27/2025).
2. The Judicial Magistrate No.I, Mettur.
3. The Public Prosecutor,
High Court of Madras, Chennai.



WEB COPY

CRL OP No. 15140 of 2025



M.NIRMAL KUMAR J.

ASI/UMA

CRL OP No. 15140 of 2025

16-05-2025