



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2025

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.15265 of 2025

Praveenkumar

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
All Women Police Station,
Sankagiri,
Salem District.

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on Anticipatory
Bail in the event of arrest, in Crime No.36 of 2025 on the file of the
Inspector of Police, All Women Police Station, Sankagiri, Salem District.

For Petitioner : Mr.D.Arun

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



ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 84 of BNS and 5(L) r/w 6 of Protection of Children from Sexual Offences Act, 2012 in Crime No.36 of 2025, seeks anticipatory bail.

2. Learned counsel appearing for the petitioner submits that the petitioner and the victim girl were working in the same factory. The victim girl had informed the petitioner that she had attained majority; since both belonged to different communities, the parents of the victim girl arranged a marriage with other person and hence the victim girl forced the petitioner to accommodate otherwise she would commit suicide. Left with no other option, the petitioner eloped with the victim girl, and they also had a physical relationship. Hence the case has been registered. He further submits that both the petitioner and the victim's family had accepted their love relationship after the victim girl attained majority and marriage will be conducted. It is further submitted that the petitioner is innocent and the case has been falsely foisted against him by the respondent for statistical purposes. The petitioner is ready and willing to abide by any conditions that



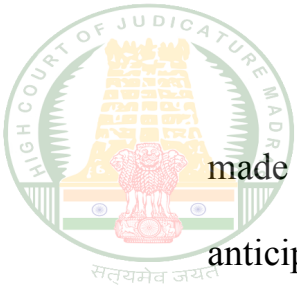
may be imposed by this Court and hence, he prays to grant anticipatory bail to the petitioner.

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3. Learned Government Advocate (Clr.Side) appearing for the respondent submits that the victim is 17 years 6 months, both were working in the same factory, and they eloped. On the complaint of the victim's parents, the case has been registered. Thereafter, the statement of the victim girl under Section 164 of Cr.P.C., did not supported the case of the prosecution but has confirmed the love relationship with the petitioner. The petitioner also cooperated with the investigation along with the medical examination.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record.

5. Considering the facts and circumstances of the case, submissions



made by the learned counsels on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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6. Accordingly, the petitioner is ordered to be released on 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 **Special Court under POCSO Act, Salem**, on condition that 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 proof of payment of deposits, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled;

[b] The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;



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[c] the petitioner shall report before the respondent Police for a period of two weeks and thereafter as and when required for interrogation;

[d] the petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

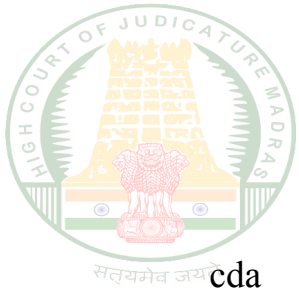
[e] the petitioner shall make himself available for interrogation by a Police office as and when required;

[f] 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;

[g] the petitioner shall not abscond either during investigation or trial;

[h] 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 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];

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.



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To

- 1.The Inspector of Police,
All Women Police Station,
Sankagiri,
Salem District.
- 2.The Special Court under POCSO Act,
Salem.
- 3.The Public Prosecutor,
Madras High Court, Chennai.

M.NIRMAL KUMAR, J.

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