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CrI.O.P.No.15348 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **02.06.2025**

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THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.15348 of 2025

Arivazhagan

... Petitioner/A2

Vs

The Inspector of Police
All Women Police Station,
Kallakurichi District.
(Crime No.22 of 2025)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.22 of 2025 on the file of the Inspector of Police, All Women Police Station, Kallakurichi District.

For petitioner : Mr.Tamilselvan A.

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 5(l), 5(j)(ii) and 6 of Protection of Children from Sexual Offence Act, 2012 in Crime No.22 of



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2025, on the file of the respondent police, seeks anticipatory bail.

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2.The case of the prosecution is that A1 and the victim girl were in love with each other. A1 had physical relationship with the victim on the false promise of marriage, thereafter, he refused to marry. The petitioner/A2 herein is a friend of A1. Hence, the case.

3.The contention of the learned counsel for petitioner is that the petitioner is said to have facilitated A1 and the victim, who are lovers, to have physical relationship. Now A1 refused to marry the victim girl. Hence, the case has been projected against the petitioner. The learned counsel further submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Other than a friend of A1, there is no specific overtact against the petitioner. Hence, prayed for anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that A1 and victim girl were in love with each other, by deception A1 had physical relationship with the victim girl



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and now refused to marry her. The petitioner, friend of A1 had facilitated and abetted A1 in commissioning the offence. Hence, strongly opposed for granting anticipatory bail to the petitioner.

5. 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.

6. Considering the submissions made on either side and the fact that petitioner is a college going student and only a friend of A1, who is the main accused in this case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 **learned Judicial Magistrate, Sankarapuram, Kallakurichi District.** 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;

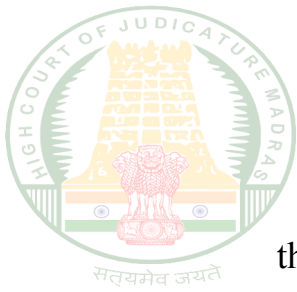
[b] The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

[c] 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;

[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



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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,
Kallakurichi District.

2.The Judicial Magistrate,
Sankarapuram, Kallakurichi District.

3.The Public Prosecutor,
High Court Madras.

M.NIRMAL KUMAR, J.



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