



Crl.O.P.No.15328 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **02.06.2025**

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.15328 of 2025

Madhan

... Petitioner/Accused

Vs

The State Rep By
The Inspector of Police
Vaniyambodi Town Police Station,
Tirupattur District.
(Crime No.101 of 2025)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on bail in the event of his arrest in Crime No.101 of 2025 pending investigation on the file of the respondent police.

For petitioner : Mr.E.Kannadasan

For Respondent : Mr.R.Vinothraja

Government Advocate (Criminal Side)



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ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 96 of BNS, 2023 r/w 5(l), 6 of Protection of Children from Sexual Offence Act, 2012 in Crime No.101 of 2025, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 01.05.2025 at about 11.00 a.m. the victim girl went to the hospital for attending her duty, thereafter, she did not return back to her house. Hence, initially a case was registered under 'Girl Missing'. On enquiry it was found that the petitioner and the victim/de-facto complainant's daughter had a love affair. Hence, the case was registered against the petitioner.

3.The contention of the learned counsel for petitioner is that the petitioner was in love affair with the victim girl, which was opposed by the victim's parents. Hence, false complaint has been given as though the petitioner committed penetrative sexual assault. The learned counsel further submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, prayed for anticipatory bail to the petitioner.



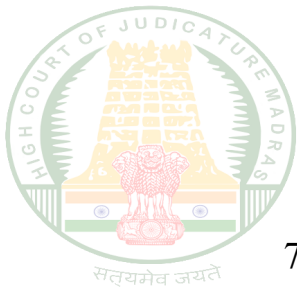
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4.The learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case. He further submitted that in this case victim not supported the case of the prosecution. In fact, she absolved the petitioner from any offence. Her statement is that she and the petitioner were in love with each other for the past three years. When the victim and petitioner were standing outside the hospital, where she was working, victim's father came there and saw them. Fearing for her father she went to her friend's house and stayed there, which has been projected against 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 fact that it is a case of love affair, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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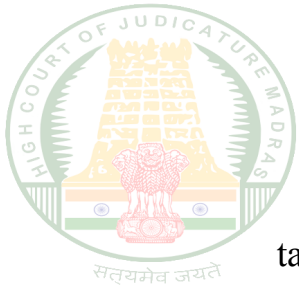
7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Special Judge under POCSO Cases, Tirupattur**, on condition that the petitioner shall execute 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 daily at 10.30 a.m until further orders;**

[d] the petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not



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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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M.NIRMAL KUMAR, J.
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To:

- 1.The Inspector of Police
Vaniyambodi Town Police Station,
Tirupattur District.
- 2.The Special Judge under POCSO Cases,
Tirupattur.
- 3.The Public Prosecutor,
High Court Madras.

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