



Crl.O.P.No.15932 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.15932 of 2025

Balu @ Rajadurai

... Petitioner/A1

Vs.

State rep. by
The Inspector of Police,
Tirupattur Taluk Police Station,
Tirupattur District.
(Crime No.140 of 2025).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.140 of 2025 pending investigation on the file of the respondent.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.04.2025, for the offences punishable under Sections 49, 64(2)(m) of BNS,



Crl.O.P.No.15932 of 2025

2023 and Sections 16, 5(l) r/w 6 of Protection of Children from Sexual Offence Act, 2012 (Sections 109, 376(2)(n) of I.P.C.) in connection with Crime No.140 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that on 11.04.2025 at about 06.00 p.m. the victim girl went to her land, thereafter, she did not return back to her home. 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.

3. The contention of the learned counsel for petitioner is that the petitioner is the maternal uncle of the victim girl. The victim is a minor aged about 15 years. The family members had an understanding that the victim girl will be given in marriage to the petitioner and both of them were regularly meeting and moving in close relationship. Since there was a family dispute, a case has been projected as though the petitioner had committed penetrative sexual assault on the victim. Hence, he prays for grant of bail to the petitioner.



Crl.O.P.No.15932 of 2025

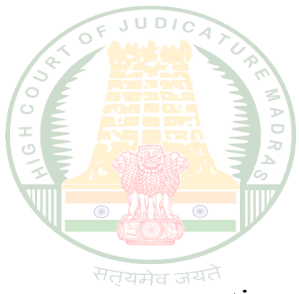
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4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case and submitted that the victim girl in her 164 statement had clearly stated about the petitioner committing penetrative sexual assault. Victim girl also confirms that petitioner is her maternal uncle and it was her grandmother, who asked the victim girl to go along with the petitioner in his bike and the petitioner and the victim girl were moving in a close relationship. Taking advantage of her innocence, the petitioner committed penetrative sexual assault.

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

6. Considering the submissions made on either side and on perusal of the material, it is seen that the petitioner is the maternal uncle of the victim girl. Initially their relationship was approved and further the petitioner and the victim also had physical relationship. Now there is a dispute between both the families. The petitioner undertakes to marry the victim girl once she attains majority. Considering the same, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his



Crl.O.P.No.15932 of 2025

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 **District and Sessions Court, Tirupattur**, 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 daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for 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;

[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



CrI.O.P.No.15932 of 2025

WEB COPY

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.

11.06.2025

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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.



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Crl.O.P.No.15932 of 2025

M.NIRMAL KUMAR, J.

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To

1.The District and Sessions Court,
Tirupattur.

2.The Inspector of Police,
Tirupattur Taluk Police Station,
Tirupattur District.

3.The Superintendent,
Central Prison,
Vellore.

4.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.15932 of 2025

11.06.2025