



Crl.O.P.No.15963 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.15963 of 2025

1.Kabeer Basha

2.Ansar Basha

3.Jilani

4.Mustari

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
W-17, All Women Sembiam Police Station,
Chennai District.
Crime No.12 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event of arrest in connection with Crime No.12 of 2025 on the file of respondent Police.

For Petitioners : Mr.Thameen Ansari

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



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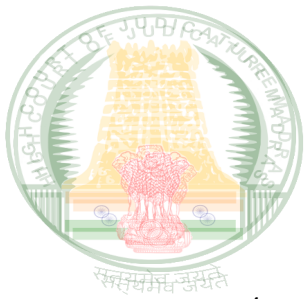
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ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 5 (l) (j) (ii) r/w 6 of Protection of Child from Sexual Offences Act, 2012 and under Section 9 and 10 of Prohibition of Child Marriage Act, in Crime No.12 of 2025, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that, the first petitioner and the victim girl were in love with each other and they got married as per Islamic Shariat Act. Meanwhile, the 1st petitioner along with the victim girl went to medical checkup at RSRM Government Hospital, Royapuram, and the Medical examiner found that the victim girl was aged about 17 years and she was admitted in the hospital for delivery. Hence the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they had been falsely implicated in this case. He further submitted that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioners.



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4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for grant of anticipatory bail to the petitioners.

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

6. Considering the submissions made by the learned counsel appearing on either sides and taking note of the nature of the allegations and since, custodial interrogation of the petitioners is not required, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Metropolitan Magistrate Additional Mahila Court, Egmore**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each 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, failing which, the petition for anticipatory bail shall stand



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dismissed and on further condition that:

[a] if the petitioners 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 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;

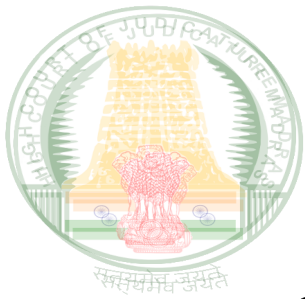
[c] the petitioners shall report before the respondent Police as and when required for interrogation;

[d] the petitioners shall not abscond either during investigation or trial and he shall make himself available for interrogation by a Police Officer as and when required;

[e] the petitioners shall not directly or indirectly cause any threat to the de facto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;;

[f] the petitioners 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] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with



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law as if the aforementioned 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)13 SCC 283]**;

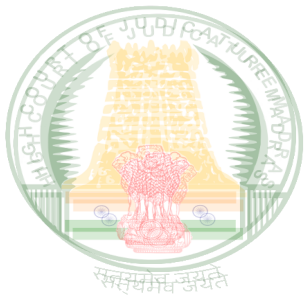
[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

24.06.2025

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To

1. The Metropolitan Magistrate Additional Magila (Judicial Magistrate) Egmore.
2. The Inspector of Police,
W-17, All Women Sembiam Police Station,
Chennai District.
3. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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