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Crl.O.P.No.16288 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16288 of 2025

Balakrishnan

... Petitioner

Vs.

State rep. by
The Inspector of Police,
All Women Police Station,
Pollachi,
Coimbatore District.

Crime No.22 of 2025.

... Respondent

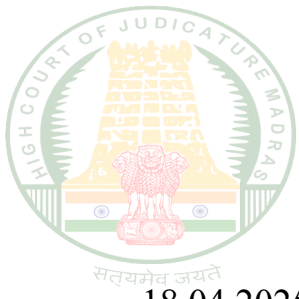
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner on bail in Crime No.22
of 2025 pending on the file of the Respondent police.

For Petitioner : Mr.J.Magadhalena

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on



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18.04.2025, for the offence punishable under Sections 5 (l), 5 (j) (ii) r/w Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 9 of Prohibition of Child Marriage Act, 2006 and Section 127 (4) and Section 65 (1) of Bharatiya Nyaya Sanhita, 2023 in connection with Crime No.22 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that petitioner is the maternal uncle of the victim girl. He had committed penetrative sexual assault on the victim girl who is aged about 15 years. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is falsely implicated in this case. The petitioner is in judicial custody from 18.04.2025 and hence, further custody of the petitioner is not required. He also submitted the victim girl was a major and there was no objection by the family members and all agreed for their marriage. Since, the victim girl became pregnant and which was confirmed by the Doctor who informed the Police, a case has been registered. The further contention of the petitioner is that even the victim girl had admitted about their relationship and her interest to marry the petitioner after she attains majority. Hence, he prayed for grant of bail to the petitioner.



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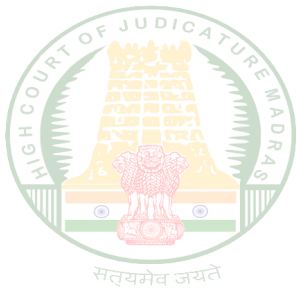
4.The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for grant of bail to the petitioner.

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

6.Considering the facts and circumstances of the case, the submissions made by the learned counsels on either side and the period of incarceration undergone by the petitioner, 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 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 Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore**, and on further conditions that:

a] the sureties shall affix their photographs and Left Thumb



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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 appear before the respondent Police daily at 10.30 a.m., for a period of two weeks; thereafter as and when required for further 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 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.



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To

1. The learned Sessions Judge,
Principal Special Court
for Exclusive Trial of Cases under POCSO Act, Coimbatore,
2. The Inspector of Police,
All Women Police Station,
Pollachi,
Coimbatore District.
3. The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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