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Crl.O.P.No.16290 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16290 of 2025

Mohan

... Petitioner/ Accused

Vs.

The State of Tamil Nadu,
Rep. by The Inspector of Police,
Cheyyar All Women Police Station (AWPS),
Tiruvannamalai District.
(Cr.No.11 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.11 of 2025 pending on the file of the respondent.

For Petitioner : Mr.E.Sathiyaraj

For Respondent : Mr.L.Baskaran

- Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.05.2025, for the offence punishable under Sections 87 of BNS Act, 2023 (Corresponding Section 366 of IPC) and Section 5(1), 5(j)(ii), 6(1) of POCSO Act and Section 9,10 of the Prohibition of Child Marriage Act in Crime No.11 of 2025, registered on the file of the respondent, seeks bail.



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2. Learned counsel appearing for the petitioner submitted that the petitioner and the victim girl were in love with each other and that was approved by both the family members and when they were in love, they travelled together and visited several places and they had also involved in physical relationship, due to which, victim became pregnant. He further submitted that, thereafter, both their parents approved their marriage and their marriage was arranged on 27.12.2024 at Aadhi Parasakthi Temple. He further submitted that, when the victim girl went for Primary Health Centre for check-up, she was referred to Government Hospital and the Doctors found that the victim girl was pregnant and she was minor and they informed the Police and the case was registered. He further submitted, even the victim girl had stated before the Magistrate that she has no objection for granting bail to the petitioner. Hence, he prayed for grant of bail to the petitioner.

3. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, reiterated the prosecution case. He further submitted that the statement of the victim girl under Section 164 of Cr.P.C was recorded, wherein she had stated that she had voluntarily eloped with the petitioner.



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

6. Considering the facts and circumstances of the case, submissions made by the learned counsels on either side, 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 **Judicial Magistrate, Cheyyar** 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 as and when required for interrogation;**

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;



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

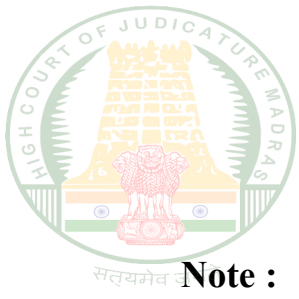
[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[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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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.

To

- 1.The Judicial Magistrate, Cheyyar.
- 2.The Inspector of Police,
Cheyyar All Women Police Station (AWPS),
Tiruvannamalai District.
- 3.The Superintendent,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court of Madras.

M.NIRMAL KUMAR, J.



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