



Crl.O.P.No.16513 of 2025

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M.NIRMAL KUMAR, J.

This matter came up for hearing today under the caption 'For Being Mentioned' at the instance of the learned counsel for the petitioner.

2.The learned counsel for petitioner submitted that Mr.R.John Sathyan, learned Senior Counsel for Mr.R.Abdul Mubeen, learned counsel on record, has entered appearance for the petitioner on change of vakalat but the same has not been reflected in the order dated 01.08.2025 instead, the previous counsel name finds place in the order.

3.He further submitted that the satisfaction Court has been erroneously mentioned in the petition as “Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai” instead of “Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Thiruvallur”, hence the same is reflected in the order.



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4.In view of the above submission, the satisfaction Court in the order dated 01.08.2025 is replaced as “Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Thiruvallur” and the copy to be marked to the said Court.

5.Further, from the cause-list dated 01.08.2025, it is seen that the name of Mr.Abdul Mubeen, learned counsel has been printed for the petitioner. But in the order it has been erroneously mentioned the name of previous counsel for the petitioner. In view of the same, Registry is directed to incorporate the name of “Mr.R.John Sathyan, Senior Counsel for Mr.R.Abdul Mubeen” in lieu of “M/s.R.A.Shinusha” and issue fresh copy of the order dated 01.08.2025.

6.The issue is clarified accordingly.

08.08.2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16513 of 2025

C.Akash

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Valasaravakkam
All Women Police Station,
Chennai.

Crime No.8 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the
event of arrest in connection with Crime No.8 of 2025 on the file of
respondent Police.

For Petitioner : M/s.R.A.Shinusha

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Criminal

Side)

Mr.C.Gunasekaran for intervenor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent
police for the offences punishable under Section 5 (l) r/w 6 of POCSO Act,



2012, in Crime No.8 of 2025, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that, defacto-complainant is aged about 19 years as on 01.05.2025 lodged a complaint stating that from 20.02.2022 and overtime both the defacto-complainant and the petitioner had developed a love relationship. The petitioner had gained the trust of the victim and also made repeated promise of marriage. Due to which the defacto-complainant had emotionally got involved with the petitioner later physically and he had forced the defacto-complainant to choose a college in Chennai, so that the petitioner can meet her regularly. On 18.08.2023, the petitioner had called the defacto-complainant to visit his place and on that day she was sexually harassed when she was 17 years. Further he had promised the defacto-complainant that he would marry her and based on which she had consented to enter into physical relationship with him. Later she discovered that the promise of marriage was fake and that the petitioner was not willing to continue the relationship. He abruptly cut off all contact with her. She then realised that only for physical relationship the petitioner had given sugar coated words and emotionally and physically exploited her.



It is also alleged that the petitioner took the mobile phone of the defacto-complainant and deleted all the messages and photographs to erase the evidence of their relationship. Consequently, she lodged a complaint. Based on the complaint, the respondent Police had registered a case on 26.05.2025.

3. The contention of the learned counsel for the petitioner is that both the petitioner and the defacto-complainant hail from Tiruvarur, are neighbours and have known each other for sometime. It is the defacto-complainant/victim who developed a crush on the petitioner, which later turned into a one sided love affair. At the relevant time, the petitioner was studying in Chennai. Upon learning this, the defacto-complainant moved from Tiruvarur to Chennai, secured admission to Sri Ramachandra Medical College for a B.A. in Psychology and subsequently contacted the petitioner since she was from same town, the petitioner initially encouraged her. She used to visit him frequently. However, overtime, the petitioner observed that she was behaving erratically and becoming increasingly hostile. When the petitioner began distancing himself, the defacto-complainant had challenged that at any cost she would attain the petitioner and forced him to continue



the relationship and marry her. But the petitioner refused for the same. The petitioner is ready to produce the telephonic conversation with the defacto-complainant which are available with him which would clearly confirm that there was only a friendly relationship and nothing else. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police strongly opposed the petitioner's contention and submitted that both the petitioner and the victim are educated individuals. When the victim was a minor, she was lured and emotionally manipulated by the petitioner. She followed the petitioner from Tiruvarur to Chennai. Thereafter, the petitioner rented a private accommodation in Valasaravakkam, Chennai and called the victim there over the phone where he engaged in a physical relationship with her. The petitioner was leading a playboy lifestyle and had relationship with other women, which the victim questioned. This lead to a quarrel between them, after which the petitioner threatened the victim that if she insisted on marriage, he would upload their photographs and the private moments on social media. Left with no other



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option, the defacto-complainant lodged a complaint to the Commissioner of Police, which was received by the respondent Police. The First Information Report was registered and in 164 statement, she had narrated the sequence of events right from her school days in Tiruvarur and her relationship with the petitioner in Chennai and also about the penetrative sexual assault committed by the petitioner. Further she was also examined by the Doctors on 28.08.2025.

5.The learned counsel for the defacto-complainant strongly opposed for the grant of anticipatory bail to the petitioner and submitted typed set of papers regarding social media conversations.

6. Heard the learned counsels and perused the materials available on record.

7.It is seen that it is not in dispute that the petitioner and the defacto-complainant both were in love relationship for quite sometime. They were initially in Thiruvarur and later their relationship continued in Chennai. From the statement of the victim, it is seen that she went to the petitioner,



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who advised her to pursue higher education in Chennai and their relationship continued. Gaining confidence in the petitioner, she had consensual sexual relations with him. Later due to some differences of opinion between them, the defacto-complainant now claims that penetrative sexual assault was committed before she had could crossed 18 years of age. In her Section 164 statement and in the medical report she confirms the love relationship with the petitioner and also states that she had consensual sexual contact with him multiple times. The period mentioned falls short by few months for attaining majority. Primarily in this case there is no dispute that both individuals were in love with each other and their relationship continued from Tiruvarur to Chennai. It is now alleged that the petitioner had a physical relationship with her based on a false promise of marriage. There is some dispute with regard to timing and manner of the said relationship. The medical examination neither refused nor confirms the sexual violence. Hence, other evidence may be taken into consideration. In view of the above facts and circumstances, although both were in love relationship, it later got strained. The petitioner submits that he has telephonic voice recordings of conversations between him and the defacto-



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complainant which would support his claim and he is ready to produce the same before the investigating officer. Since, custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 **Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai** 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, 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;



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[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 petitioner shall report before the respondent police daily at 10.30 a.m until further orders;

[d] the petitioner 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 petitioner 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 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] On breach of any of the aforementioned



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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]**;

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

01.08.2025

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To

- 1.The Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai
- 2.The Inspector of Police,
Valasaravakkam
All Women Police Station,
Chennai.
3. The Public Prosecutor,
High Court of Madras.



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