



Crl.O.P.No.16474 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16474 of 2025

Tamil @ Tamilarasan

... Petitioner/Sole Accused

Vs.

State, Rep. by
The Inspector of Police,
All Women Police Station,
Tiruthuraipoondi,
Tiruvarur District.
(Crime No.3 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail, pending investigation of the case in Crime No.3 of 2025 on the file of the respondent.

For Petitioner : M/s.T.Hemalatha

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.02.2025, for the offence punishable under Sections 5(l), 5(j)(ii), 5(n) r/w Section 6 of POCSO Act, in Crime No.3 of 2025, registered on the file of the respondent, seeks bail.



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2. The case of the prosecution is that the petitioner and the victim girl were love with each other and they also physical relationship and the victim girl was pregnant and wherein she was examined by Doctor and it was found that the victim girl was minor and the complaint was lodged. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is ready to marry the victim girl once the victim girl attains majority and he is also ready to take care of the child. He further submitted that the petitioner is suffering incarceration from 11.02.2025 and hence, he prayed for grant of bail to the petitioner.

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 is aged about 16 years and she is a school going child and the petitioner on the false promise of marriage, had committed penetrative sexual assault on the victim girl. He further submitted that the parents of the petitioner are not agreeable in their marriage, however, the victim girl is interested in marrying the



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petitioner, once she attains majority. He further submitted that, investigation in this case has been completed and the medical examination also over.

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 **Sessions Judge, Fast Track Mahila Court, Thiruvavarur** 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



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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 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 Sessions Judge,
Fast Track Mahila Court,
Thiruvavarur.
- 2.The Inspector of Police,
All Women Police Station,
Tiruthuraipoondi,
Tiruvavarur District.
- 3.The District Jail,
Nagapattinam.
- 4.The Public Prosecutor,
High Court of Madras.

M.NIRMAL KUMAR, J.



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