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Crl.O.P.No.16518 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16518 of 2025

Ajith Kumar

... Petitioner/Sole Accused

Vs.

State, Rep. by
The Inspector of Police,
Alivalam Police Station,
Thiruvarur District.
(Crime No.39 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.39 of 2025 on the file of the respondent.

For Petitioner : M/s.J.Magadhalena

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.04.2025, for the offence punishable under Sections 4(2), 5(1) r/w Section 6 of POCSO Act, under Section 87 of B.N.S and under Section 9 of



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Prohibition of Child Marriage Act, 2006 in Crime No.39 of 2025, registered on the file of the respondent, seeks bail.

2. The contention of the petitioner is that the petitioner and the victim girl were in love with each other, since their love was not approved by their parents, victim girl compelled the petitioner to take her away, otherwise she would commit suicide and left with no option, petitioner took the victim girl to Tiruppur and stayed together in a rental house. He further submitted that, victim girl's parents lodged a complaint against the petitioner as though, petitioner had kidnapped the victim girl and committed penetrative sexual against her. He further submitted that, even the victim girl had stated in her statement that, . Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.



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4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing for grant of bail to the petitioner stated that the victim girl was forcibly taken by the petitioner, initially the complaint was registered under "Girl Missing" and thereafter, the victim girl was secured and it was found that, during their stay at Tiruppur, petitioner had committed penetrative sexual assault against the victim girl. He also produced the statement of the victim girl under Section 164 of Cr.P.C., wherein it reveals the petitioner and the victim girl were loved each other for more than three years and they eloped on 13.03.2025 and she had voluntarily eloped with the petitioner.

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



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Sessions Judge, Fast Track Mahila Court, Thiruvarur and on further conditions that:

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[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 respondent police daily at 10.30.a.m., for a period of 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



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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.

06.06.2025

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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.

M.NIRMAL KUMAR, J.



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To

- 1.The Sessions Judge,
Fast Track Mahila Court,
Thiruvarur.
- 2.The Inspector of Police,
Alivalam Police Station,
Thiruvarur District.
- 3.The District Jail,
Nagapattinam.
- 4.The Public Prosecutor,
High Court of Madras.

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