



Crl.O.P.No.16584 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16584 of 2025

Mathesh

... Petitioner

Vs.

1.State represented by
Inspector of Police,
Attur Town Police Station,
Salem.
(Crime No.101/2025).

2.Kanaga

... Respondents

[Suo-motu impleaded as per order of
this Court dated 30.06.2025 in
Crl.O.P.No.16584 of 2025]

PRAYER: Criminal Original Petition is filed under Section 483 of BNSS, to
enlarge the petitioners on bail in Crime No.101 of 2025 pending
investigation on the file of the respondent Police.



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For Petitioner : Mr.K.Venkateswaran
For R1 : Mr.R.Vinoth Raja,
Government Advocate (CrI. Side)
For R2 : Mr.R.Madhubala,
Legal Aid Counsel

ORDER

The petitioner who arrested and remanded to judicial custody on 19.04.2025 in connection with Crime No.101 of 2025 for offence under Section 87 of BNS and Section 5(1) read with 6 of POCSO Act, 2012 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the defacto complainant has two daughters and one son and that the first daughter was given in marriage and the second daughter/victim girl discontinued her studies and working in supermarket. On 09.03.2025, the defacto complainant's second daughter/victim girl went for work at 08.00 a.m., but not returned back home. When the defacto complainant had enquired with the owner of supermarket, he informed that the victim girl left the supermarket stating that her mother was not well. On complaint of defacto complainant, FIR in Crime No.101 of 2025 registered under “Girl Missing”. During



investigation, it came to light that the petitioner proposed his love to the victim girl and took her to his relative house and committed penetrative sexual assault on three times. Based on which, Sections altered.

3.The learned counsel for the petitioner submits that the petitioner and the victim girl were in love affair when the victim girl was working in supermarket. In fact the victim girl is the person who had insisted the petitioner to take her away from the house. Thereafter, using the victim, a false complaint has been lodged against the petitioner as though the petitioner had physical relationship with the victim. Hence, he prays to grant bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police submits that the petitioner forced the victim girl to come out from the house and had physical relationship in his relative house. In 183 of BNSS statement, the victim girl clearly narrated the act of the petitioner. Hence, he strongly opposed for bail.



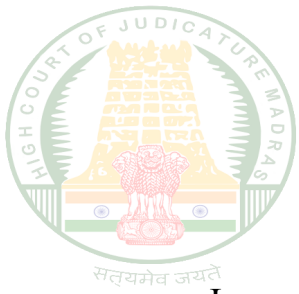
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5.The learned counsel for the 2nd respondent strongly opposed for grant of bail to the petitioner stating that the petitioner had committed aggravated penetrative sexual assault on the victim girl in his relative house.

6.Today, the mother of the victim girl/2nd respondent is present.

7.Considering the submissions and on perusal of the materials, it is seen that though the petitioner is coming forward to marry the victim girl, the victim girl's family is not approval of the same. There was a love relationship between the petitioner and victim girl. Whether excess is by the petitioner or the victim girl or both together, are to be decided during trial.

8.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 POCSO Court, Salem 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 everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation. After filing of charge sheet, the petitioner shall appear before the trial Court on all hearing dates without fail;

[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 defacto 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];



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

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Speaking Order/Non Speaking Order

Index : Yes/No

Neutral Citation: Yes/No

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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,
Principal POCSO Court, Salem.

2.The Central Prison,
Salem.

3.The Inspector of Police,
Attur Town Police Station,
Salem.



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4. The Public Prosecutor,
Madras High Court.

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M.NIRMAL KUMAR, J.

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