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Crl.O.P.No.16582 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.16582 of 2025

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... Petitioner/ Accused

Vs.

The State of Tamil Nadu,
Rep. by The Inspector of Police,
All Women Police Station,
Sankari,
Salem District.
(Cr.No.18 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.18 of 2025 pending on the file of the respondent.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.L.Baskaran

- Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 13.04.2025, for the offence punishable under Sections 115(2) of BNS and
Sections 5(k), 5(l), 5(j)(ii) read with Section 6 of POCSO Act in Crime
No.18 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 belong to same social groups. He further submitted that the victim's mother passed away and therefore, she was not given proper care and she fell in love with the petitioner knowing his marital and social status and they had physical relationship, due to which, she became pregnant and when she was taken to Primary Health Centre for medical treatment, the Doctors found that the minor victim girl was pregnant and they informed the police. He further submitted that even today, the victim girl is ready to live with the petitioner. and 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 and produced the statement of the victim girl.

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

5. Though it is seen from the statement of the victim girl under Section 164 of Cr.P.C., that the victim girl had voluntarily gone with the petitioner, she is a minor and the petitioner is a married man and they belong



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to a same community and without knowing the consequences, they had involved in physical relationship. 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.

6. 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 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;



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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.

11.06.2025

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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this



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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 Inspector of Police,
All Women Police Station,
Sankari,
Salem District.

3.The Superintendent,
Central Prison, Salem.

4.The Public Prosecutor,
High Court of Madras.

M.NIRMAL KUMAR, J.



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