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Crl.O.P.No.16958 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16958 of 2025

S.Karthik

... Petitioner/Accused

Vs.

The State Rep by
The Inspector of Police,
AWPS-Sooramangalam Police Station,
Salem City.
(Crime 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
connection with the case in Crime No.18 of 2025 pending investigation on
the file of the respondent police.

For Petitioner : Mr.A.Saravanan

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



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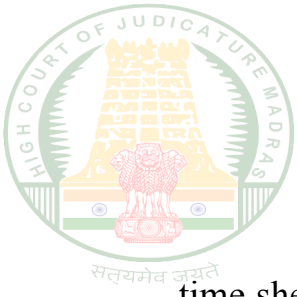
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ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.05.2025, for the offence punishable under Sections 5(l), 5(n), 5(j)(ii) r/w 6 of POCSO Act, 2012 and Section 351(2) of BNS, 2023 in connection with Crime No.18 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner, who is the maternal uncle of the victim girl, had sexually abused the victim girl, thereby she became pregnant. Hence, the case.

3.The learned counsel for the petitioner submitted that the petitioner and the victim girl are relatives. The petitioner is none other than the maternal uncle of the victim and they were interested with each other. Their relationship is approved in the family. Due to the adolescent age not knowing the consequences they also had physical relationship and the victim girl became pregnant. For her medical treatment she went to the hospital, at that



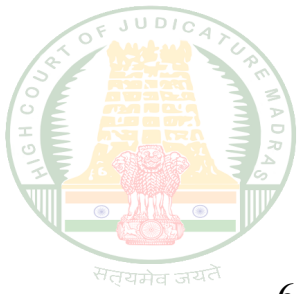
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time she found to be a minor and hence, complaint lodged to the police, case was registered and the petitioner was arrested. The petitioner is ready to marry the victim girl once she attains majority, with the concurrence of all family members. Hence, he prayed for grant of bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the victim girl is aged about 15 years and the petitioner is aged about 25 years. The petitioner though a maternal uncle knowing that victim is a minor, had committed penetrative sexual assault not once but on several occasions and the victim also became pregnant, which was confirmed by medical evidence. The victim in her statement under Section 164 Cr.PC. narrates about the relationship between the petitioner and the victim girl. Hence, he strongly opposed for granting bail to the petitioner.

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



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6.Considering the facts and circumstances of the case and on perusal of the 164 statement it is seen that the petitioner is none other than the maternal uncle of the victim girl and he is ready to marry the victim girl once she attains majority. In view of the same, 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, 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;



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[b] the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders;

[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]**;



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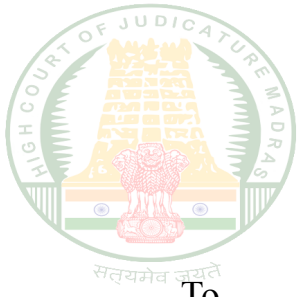
[g] If the accused thereafter absconds, a fresh FIR
can be registered under Section 269 of B.N.S.

13.06.2025

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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.



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To
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- 1.The Sessions Judge,
Principal POCSO Court, Salem.
2. The Inspector of Police,
AWPS-Sooramangalam Police Station,
Salem City.
- 3.The Superintendent,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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