



WEB COPY



CrI.O.P.No.16791 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.16791 of 2025

Adam Basha

... Petitioner/Accused

Vs.

The State Rep by
The Inspector of Police,
Chidambaram Town Police Station,
Cuddalore District.
(Crime No.165 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner in Crime
No.165 of 2025 on the file of the respondent police.

For Petitioner : Mr.S.Abdul Khadhar

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



CrI.O.P.No.16791 of 2025

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.05.2025, for the offence punishable under Sections 7 and 8 of Protection of Child from Sexual Offences Act, 2012 in connection with Crime No.165 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the de-facto complainant preferred a complaint alleging that the victim girl aged about 17 ½ years was missing. Initially, the case was registered under 'Girl Missing'. Later, on enquiry it was found that the petitioner and victim were stayed in petitioner's place and then the section altered to POCSO Act. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner and the victim girl were loved with each other, which was opposed by the victim's family members and the petitioner has been framed in the above case. Since the victim's parents were making arrangement for marriage

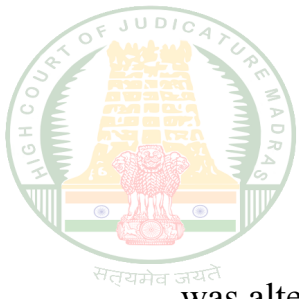


CrI.O.P.No.16791 of 2025

WEB COPY

against her wishes, she left her house and came to the petitioner's house. The petitioner wanted to marry the victim only after getting concurrence from her parents. But the victim insisted the petitioner to marry her otherwise she would commit suicide. Left with no other option, the petitioner has to accompany the victim girl. Later they were secured by the police, now it has been projected as though the petitioner made improper touch and committed offence under Section POCSO Act. Hence, he prayed for grant of bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police produced Section 164 Cr.P.C. statement of the victim, in which, the victim girl clearly narrated the relationship between the petitioner and the victim girl. Further, it was the victim girl, who voluntarily gone to the petitioner's house. Since the victim is a minor, initially the case was registered under 'Girl Missing', later on securing the victim girl the section



CrI.O.P.No.16791 of 2025

WEB COPY

was altered and the petitioner was arrested. However, he opposed for granting bail to the petitioner.

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

6.Considering the facts and circumstances of the case and on perusal of Section 164 Cr.P.C. statement, it is seen that the petitioner and the victim were loved each other. The victim is aged about 17 ½ years old. The petitioner is aged about 24 years. This love affair is opposed by the victim's parents and now termed as POCSO offence. 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 **Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore**, and on further conditions that:



WEB COPY



CrI.O.P.No.16791 of 2025

[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., 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



WEB COPY



CrI.O.P.No.16791 of 2025

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.

13.06.2025

rsi

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.



CrI.O.P.No.16791 of 2025

WEB COPY

To

1.The Special Court for Exclusive Trial of Cases
Under POCSO Act, Cuddalore.

2. The Inspector of Police,
Chidambaram Town Police Station,
Cuddalore District.

3.The Superintendent,
Central Prison, Cuddalore.

4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.16791 of 2025

M.NIRMAL KUMAR, J.

rsi

Crl.O.P.No.16791 of 2025

13.06.2025