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Crl.O.P.No.16865 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.16865 of 2025

Harish Kumar K

... Petitioner/Accused

Vs.

The State Rep by
Sub Inspector of Police,
Oomerabad Police Station,
Ambur Taluk, Tirupathur District.
(Crime No.29 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in
connection with FIR lodged in Crime No.29 of 2025 on the file of the
respondent police pending investigation.

For Petitioner : Mr.S.Mohan Raj

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



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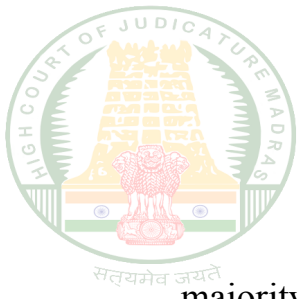
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ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.01.2025, for the offence punishable under Section 65(1) of BNS, 2023 and Sections 5(l), 5(m), 6 of Protection of Child from Sexual Offences Act, 2012 in connection with Crime No.29 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the victim girl was missing from 7.00 p.m. on 23.01.2025. Later, on enquiry it was found that the petitioner and victim had a love affair and the petitioner had repeated sexual intercourse with the victim girl. 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 parents for the reason that both belong to different religion. The petitioner is still interested in marrying the victim girl once she attained



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majority. In fact, the victim girl gone to petitioner's grandmother's house voluntarily and they were talking with each other, which has been now projected as though the petitioner 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 submitted that the victim is aged about 15 years and the petitioner is aged about 27 years. He is a married person, now claims that he is not living with his wife. He has not obtained divorce legally. The petitioner induced the victim girl and called her in his house, attempted sexual assault. The victim girl in her statement had clearly narrated the happenings confirming that petitioner was in love with her. He further submitted that in this case, now investigation completed and charge sheet filed. 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 the submission made on either side and on perusal of Section 164 Cr.P.C. statement, it is seen that the petitioner and the victim were loved with each other. 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 **Judicial Magistrate No.I, Ambur** 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 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 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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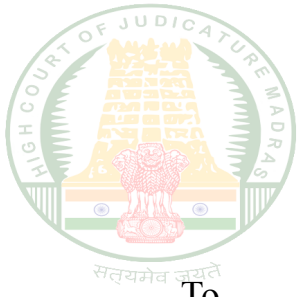
[g] If the accused thereafter absconds, a fresh FIR
can be registered under Section 269 of B.N.S.

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 Judicial Magistrate No.I,
Ambur.

2.The Sub Inspector of Police,
Oomerabad Police Station,
Ambur Taluk, Tirupathur District.

3.The Superintendent,
Central Prison, Vellore.

4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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