



Crl.O.P.No.16946 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16946 of 2025

Aarif

... Petitioner/Accused

Vs.

The State Rep by
The Inspector of Police,
All Women Police Station,
Palacode,
Dharmapuri District.
(Crime No.6 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.6 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.04.2025, for the offence punishable under Sections 5(l), 5(j)(ii) and 6(l) of POCSO Act, 2012 in connection with Crime No.6 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the victim girl and the petitioner had a love affair. The petitioner had sexual intercourse with the victim, who is a minor, thereby she became pregnant. Hence, the case.

3.The learned counsel for the petitioner submitted that the petitioner was arrested in Crime No.115 of 2025 by the Hosur Police for offence under Section 170 of BNSS r/w 7(1)(a) of CLA Act. When the petitioner was in custody in that case, he was shown arrest in the present case on 01.04.2025. He further submitted that the petitioner and victim were loved with each other. The victim girl is none other than the petitioner's uncle's daughter. The

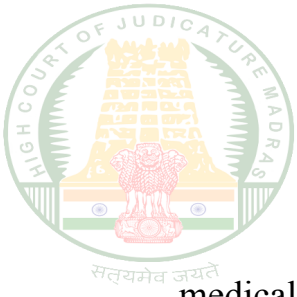


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petitioner is a married man, which is known to the victim and despite the same, she was in mad love with the petitioner. Though the petitioner was avoiding, she continued love affair, on several occasions they also had physical relationship. Since the victim got vomiting sensation and got fainted, she went for medical check up, at that time, her pregnancy was confirmed. Thereafter, complaint lodged from the hospital, the petitioner was shown arrest. The victim is still interested on the petitioner and the petitioner is also ready to marry her. As per their religion and custom, their marriage is not prohibited. Once the victim attains majority, the petitioner will marry her. 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 petitioner is a married man. The petitioner taking advantage of their relationship induced the victim girl and committed penetrative sexual assault. Later the victim became pregnant, which she had not disclosed to anyone. When she was taken to hospital for



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medical treatment her pregnancy was confirmed and petitioner is the reason for the same. Now fetus is aborted and sent for DNA test. Hence, he strongly 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 the submissions made on either side, it is seen that petitioner and victim girl were loved with each other and it is a consensual relationship. 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, Dharmapuri, Dharmapuri District** and on further conditions that:



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[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



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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

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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

1.The Special Court for Exclusive Trial of Cases
under POCSO Act, Dharmapuri,
Dharmapuri District.

2. The Inspector of Police,
All Women Police Station,
Palacode,
Dharmapuri District.

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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