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CrI.O.P.No.17575 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.17575 of 2025

E.Balu

... Petitioner/Accused

Vs.

The State Rep by
The Station House Officer,
Nettapakkam Police Station,
Puducherry District.
(Crime No.54 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to release the petitioner on bail pending
investigation in Crime No.54 of 2025 on the file of the respondent police.

For Petitioner : Mr.G.Magesh Kumar

For Respondent : Mr.K.S.Mohandass
Public Prosecutor (Puducherry)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 31.05.2025, for the offence punishable under Sections 137(2) of BNS, 2023 r/w Sections 6 of POCSO Act and Section 9 of the Prohibition of Child Marriage Act in connection with Crime No.54 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner took the victim girl aged about 17 ½ years under the guise of love, married her and had physical relationship with her. Hence, the case.

3.The learned counsel for the petitioner submitted that the petitioner and the victim girl loved each other. The victim girl informed the petitioner that she is a minor and forced the petitioner to marry her, since her parents were searching for a bridegroom. Thereafter the petitioner on compulsion accompanied the victim girl and also tied yellow rope for the satisfaction of



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the victim girl, which was now projected as though the petitioner had child marriage and also made improper touch on the victim girl. He further submitted that the marriage between the petitioner and victim girl came to the knowledge of both the parents and they agreed that marriage can be performed between them once there is no other bar. Hence, he prayed to grant bail to the petitioner.

4.The learned Public Prosecutor (Puducherry) strongly opposed the petitioner's contention stating that the petitioner under the guise of love, took the victim girl in his two wheeler to various places, enticed her and forcibly tied thali. The victim's parents not agreeable for the marriage, the victim girl is a minor, few months short of attaining majority. He fairly submitted that the victim in her statement under Section 164 Cr.P.C. confirms about the love relationship between her and the petitioner and she forcing the petitioner for marriage.



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

6.Considering the facts and circumstances of the case and the statement of the victim under Section 164 Cr.P.C., it is seen that the petitioner and the victim were loved each other. The victim is aged about 17 ½ years. The petitioner is aged about 27 years. This love affair is opposed by both the parents and now they agreed to perform their marriage. 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 **Fast Track Court Exclusively to deal with offences under the POCSO Act, Puducherry**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship



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[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 everyday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for further interrogation;

[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



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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];

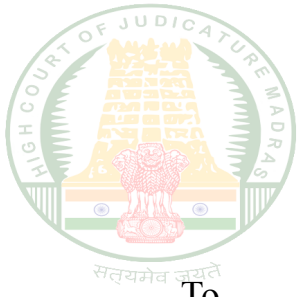
[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

30.06.2025

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.



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To
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1.The Fast Track Court Exclusively to deal with offences under the POCSO Act, Puducherry.

2.The Station House Officer,
Nettapakkam Police Station,
Puducherry District.

3.The Superintendent,
Central Prison, Kalapet,
Puducherry.

4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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