



WEB COPY

CRL OP No. 17660 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-06-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 17660 of 2025

Vaithiswaran

Petitioner

Vs

State represented by,

The Inspector of Police, AWPS,
Pennagaram, Dharmapuri District.

Respondent

Crime No.9/2025

PRAYER Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on Bail in connection with Cr.No.9/2025 pending investigation on the file of the respondent police and thus render justice.

For Petitioner:

Mr.S.Velmurugan

For Respondent:

Mr.A.Gokulakrishnan

Additional Public Prosecutor



ORDER

WEB COPY

The petitioner, who was arrested and remanded to judicial custody on 15.04.2025, for the offences punishable under Section 5(1), 5(j)(ii) r/w 6(1) of Protection of Children from Sexual Offence (POCSO) Act, 2012 (as amended in 2019) in connection with Crime No.9 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner had intimate relationship with the de-facto complainant under the false promise of marriage, thereby the de-facto complainant became pregnant. Hence, the case.

3. The contention of the learned counsel for petitioner is that the victim girl made wrong allegations against the petitioner to escape from her misdeeds. The victim girl admitted in the Government Hospital and she found to be pregnant. Since the victim girl was a minor, complaint lodged to the police and to escape from her misdeeds the victim mentioned the petitioner's name. Hence,



he prays for grant of bail to the petitioner.

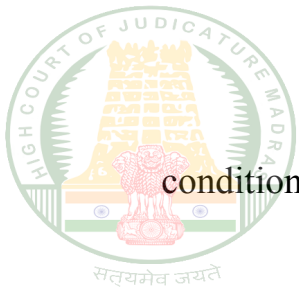
WEB COPY

4. The learned Additional Public Prosecutor would vehemently oppose stating that the petitioner had induced the victim girl who is aged about 15 years under the false assurance of marriage and committed sexual intercourse with her. He would further submit that due to which, she became pregnant.

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

6. Taking into consideration of the facts and submissions made by the learned counsels and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following 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** and on further



conditions that:

WEB COPY

[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., for a period of two weeks and thereafter, as and when required for 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, victim 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



WEB COPY

CRL OP No. 17660 of 2025



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.

24-06-2025

gbi

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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.



To
WEB COPY

- 1.State represented by,
The Inspector of Police, AWPS,
Pennagaram, Dharmapuri District.
Crime No.9/2025
- 2.The Special Court for Exclusive Trial
of Cases under POCSO Act,
Dharmapuri.
- 3.The Superintendent,
Dharmapuri District Prison.
- 4.The Public Prosecutor,
High Court of Madras,
Madras.



WEB COPY

CRL OP No. 17660 of 2025



M.NIRMAL KUMAR J.

gbi

**CRL OP No. 17660 of
2025**

24-06-2025