



Crl.O.P.No.18804 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.18804 of 2025

1. Faizunnisa
2. Mubarak Habeep
3. Habeep Syed Ameer
4. Sabira Habeep

... Petitioners

Vs.

The State represented by
The Inspector of Police,
Vellore North Police Station,
Vellore District.
(Cr.No.124 of 2025)

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event of
his arrest concerned in Cr.No.124 of 2025 on the file of the respondent police

For Petitioners : Mr.Mohammed Sayeed Allabakeah

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)



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ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences under Sections 5(1), 5(j)(ii), 6, 17 of Protection of Child from Sexual Offences Act, 2012 and Section 9, 10 of Child Marriage Restraint Act. 1920 in Cr.No.124 of 2025 dated 07.05.2025 on the file of the respondent, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant who is six months pregnant went to medical check up to the Old Government Hospital, Vellore. During the medical examination, the Duty Doctor observed that the defacto complainant had not attained the legally permissible age for marriage, she is only 17 years old. Consequently, the hospital authorities lodged a complaint and case was registered in Cr.No.124 of 2025.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons. The second petitioner and the defacto complainant were in a consensual relationship and out of love and affection, they have solemnised their marriage and have been living together happily as husband and wife. The petitioners are ready to abide any conditions that may be imposed



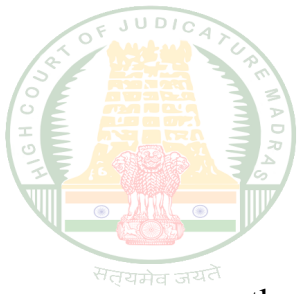
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by this Court. Hence, the learned counsel prays for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that the statement of victim girl was recorded under Section 183(1) of BNSS and opposed for granting anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record including the statement of victim girl was recorded under Section 183(1) of BNSS .

6. A perusal of the statement of the victim girl and the FIR reveal that the victim girl and the second petitioner got married and she became pregnant . During her medical check up, her age was ascertained and found to be minor and thereafter, a complaint has been lodged. The victim girl admits that she and the second petitioner got married as per their Religion and Customs and the marriage was conducted by one Amambai Muthuvalli in the presence of elders of their family at victim's house. The petitioners were never forced the victim girl to



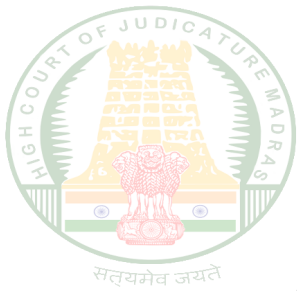
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marry the second petitioner. The petitioners are husband and in-laws of the defacto complainant. The victim girl and her husband/2nd petitioner have been living together happily.

7. Considering the submissions made by the learned counsel appearing on either sides and perusal of the statement of victim girl was recorded under Section 183(1) of BNSS and taking note of the nature of the allegations and since, custodial interrogation of the petitioners are not required, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned *Special Court for the Exclusive Trial of POCST Cases, Vellore* on condition that each of the petitioners shall execute separate bonds for a sum of **Rs.10,000/- (Rupees Ten Thousand only) with two sureties**, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] if the petitioners fails to surrender before the said



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Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] 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;

[c] the petitioners shall report before the respondent Police as and when required for interrogation;

[d] the petitioners shall not abscond either during investigation or trial and they shall make themselves available for interrogation by a Police Officer as and when required;

[e] the petitioners shall not directly or indirectly cause any threat to the de facto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioners 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;

[g] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial



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Court themselves as laid down by the Hon'ble Supreme Court
in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]**;

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

30.07.2025

Vv

To

- 1.The Special Court for the
Exclusive Trial of POCST Cases,
Vellore
2. The Inspector of Police,
Vellore North Police Station,
Vellore District.
- 3.The Public Prosecutor,High Court of Madras.



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M.NIRMAL KUMAR, J.

Vv

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