



CrI.O.P.No.19390 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: **05.08.2025**

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.19390 of 2025

1.M.Murugan
2.Palaniammal

... Petitioners/A1 & A2

Vs

State Represented by
The Inspector of Police,
AWPS - Palacode Police Station,
Dharmapuri District.
(Crime No.111 of 2025)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 praying to release the petitioners on bail in
the event of their arrest by the respondent police in Crime No.111 of 2025 on
the file of the respondent police.

For petitioners : Mr.D.Thirumoorthy

For Respondent : Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor



CrI.O.P.No.19390 of 2025

ORDER

WEB COPY

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 5(1) and 6(1) of Protection of Child from Sexual Offences Act, 2012 and Sections 9, 10 and 11 of Protection of Child Marriage Act, 2006 in Crime No.111 of 2025, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the Social Extension Officer. She lodged a complaint stating that the 1st petitioner and the victim got married on 27.03.2023. The victim is now aged about 19 years and at the time of marriage she was aged 17 years. There was some matrimonial dispute between the 1st petitioner and the victim, hence, she deserted the matrimonial home and living with her mother. In the meanwhile she became pregnant. The 1st petitioner is doubting the paternity of the child and not accepting the child. Hence, the complaint.



Crl.O.P.No.19390 of 2025

WEB COPY

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the marriage was performed with the blessings of elders of both families. After the marriage, the victim lived with the 1st petitioner only for 10 days. Thereafter, she left the matrimonial home and eloped with one Mahalingam in the same village and they begotten a child. He further submitted that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, prayed for anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that 1st petitioner and the victim got married on 27.03.2023. Due to some matrimonial discord, the victim left the matrimonial home and now she is living with her mother. After the dispute, she was working in the construction work, at that time one Mahalingam raped the victim and F.I.R. has been registered. The petitioner is doubting the paternity of the child. Now the child is born and steps were taken for DNA test.



CrI.O.P.No.19390 of 2025

WEB COPY

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

6. Considering the submissions made and on perusal of the material, it is seen that the marriage between the first petitioner and the victim took place on 27.03.2023 and thereafter the victim lived with the first petitioner only for 10 days and came back to her grandfather's house, where her mother is living. It is seen that victim's mother had earlier lodged a complaint before the Mahendramangalam Police Station, Dharmapuri and a case in Crime No.91 of 2024 registered in which, it has been clearly mentioned that the marriage performed between the victim and first petitioner and they were living only for a short period, thereafter the victim has been living with her mother for the past 5 months and her last menstrual period was on 27.03.2024. She was also going for a construction work at that time, she had befriended with one Mahalingam, who committed rape on the victim and thereafter she became pregnant and a case was registered. Now the victim had given a statement under Section 164 of Cr.P.C., in which, she



Crl.O.P.No.19390 of 2025

WEB COPY

confirms that only 10 days she was living with the first petitioner and thereafter she had been living with her mother and further forcible rape committed by Mahalingam has been disclosed. In her statement her grievance appears to be that the first petitioner agreed to pay Rs.7 lakhs as compensation, out of which, he paid only Rs.3 lakhs and not paid the balance amount of Rs.4 lakhs., hence the complaint was lodged. In view of the same, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 **Special Court for Exclusive Trial of Cases under POCSO Act, Dharmapuri** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each, 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



CrI.O.P.No.19390 of 2025

WEB COPY
that:

petition for anticipatory bail shall stand dismissed and on further condition

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

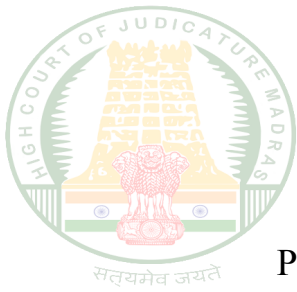
[b] The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

[c] the petitioners shall report before the respondent police every day at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation;

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

[e] the petitioners shall make themselves available for interrogation by the respondent as and when required;

[f] the petitioners to give an undertaking that if required for being identified by witnesses during investigation or for



CrI.O.P.No.19390 of 2025

WEB COPY

Police custody beyond the first fifteen days, they shall comply to the directions as may be given by the Court in this regard;

[g] the petitioners shall not abscond either during investigation or trial;

[h] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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)AIR SCW 5560];

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

05.08.2025

rsi



WEB COPY



CrI.O.P.No.19390 of 2025

M.NIRMAL KUMAR, J.

rsi

To:

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

2.The Inspector of Police,
AWPS - Palacode Police Station,
Dharmapuri District.

3.The Public Prosecutor,
High Court Madras.

CrI.O.P.No.19390 of 2025

05.08.2025