



Crl.O.P.No.19699 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19699 of 2025

Venkatachalapathy

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Melchengam Police Station.
Melchengam, Thiruvannamalai District.
(Crime No.179 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.179 of 2025 on the file of the respondent Police.

For Petitioner : Mr.M.Selvam

For Respondent : Mr.R.Vinothraja
Government Advocate (Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.06.2025 in connection with Crime No.179 of 2025 registered for the offences punishable under Section 87 BNS and Sections 5(1), 6(c) and 17 of Protection of Child from Sexual Offences Act, 2012, and Section 9 and 10 of Child Marriage Act, seeks bail.



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2. The case of the prosecution is that the first accused had kidnapped the minor victim girl, married her and committed penetrative sexual assault on her. Hence the case.

3. The contention of the learned counsel appearing for the petitioner is that the petitioner is innocent and has been falsely implicated in this case. He further submitted that the petitioner and the victim girl were in love and on the compulsion and consent of the victim, the petitioner had taken her along with him and he has nothing to do with the alleged offence. Hence he prayed for grant of bail.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for granting bail to the petitioner. He further submitted that the statement has been recorded from the victim girl under Section 183 BNSS.

5. Heard both sides and perused the materials available on record including the victim's statement under Section 183 BNSS.

6. Considering the facts and circumstances of the case, the submission made by the learned counsel appearing on either side and taking note of the period of incarceration undergone by the petitioner and considering the statement given



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by the minor victim girl, 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 learned **Special Court for Exclusive trial of cases under POCSO Act Thiruvannamalai**, and on further conditions that:

[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, everyday 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 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



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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 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.

11.07.2025

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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,
Thiruvannamalai.
 2. The Inspector of Police,
Melchengam Police Station,
Melchengam, Thiruvannamalai District.
 3. The Superintendent,
Central Prison, Vellore.
 4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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