



Crl.O.P.No.20413 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.20413 of 2025

Anbarasan

... Petitioner/Accused

Vs.

The State rep by
The Inspector of Police,
Vaniyambadi Town Police Station,
Tirupattur District.
(Crime No.142 of 2025)

... Respondent

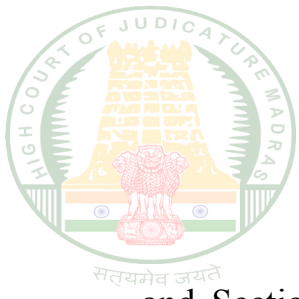
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner on bail pending investigation in Crime No.142 of 2025 on the file of the Respondent police.

For Petitioner : Mr.M.Arun

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.06.2025, for the offences punishable under Section 137(1)(b) of BNS, 2023



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and Sections 5(1) and 6(1) of POCSO Act, 2012 and Sections 9, 10 of Child Marriage Act in connection with Crime No.142 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the de-facto complainant's daughter, aged about 13 years was found missing on 01.06.2025. Thereafter, on enquiry, it was found that petitioner kidnapped the victim girl and married the victim girl against her consent and had forcible intercourse with the victim girl for several days. Hence, the case was registered against the petitioner.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner and the victim were in love with each other. The petitioner is a Hindu and the victim belongs to Muslim community, hence, there was opposition from the family members. The petitioner and victim therefore decided to marry, which was now projected as though the petitioner kidnapped the victim girl and committed sexual harassment. Hence, he prayed to grant bail to the petitioner.



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4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner and the victim girl had a love affair. The victim in her statement under Section 164 Cr.P.C. narrated all the happenings and the same is produced.

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

6. Considering the submissions made on either side and on perusal of the statement under Section 164 Cr.P.C., it is seen that petitioner and the victim used to go for a catering work, there they developed their love relationship. The petitioner is a Hindu and the victim belongs to Muslim community. The petitioner and victim decided to marry, since, there was opposition from the family members and they had physical relationship also. Later the victim's parents rescued the victim and lodged a complaint. The victim in her 164 statement confirms the love relationship with the petitioner and she voluntarily going along with the petitioner. In view of the same, this Court is inclined to grant bail to the petitioner with certain conditions.



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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 **District and Sessions Judge, Sessions Division of Tirupattur District Court, Tirupattur** 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 30 days 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 comply to the directions as may be given by the Court in this regard;



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[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.

21.07.2025

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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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M.NIRMAL KUMAR, J.

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To

1.The District and Sessions Judge,
Sessions Division of Tirupattur District Court,
Tirupattur.

2.The Inspector of Police,
Vaniyambadi Town Police Station,
Tirupattur District.

3.The Superintendent,
Central Prison, Vellore.

4.The Public Prosecutor,
High Court of Madras.

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