



Crl.O.P.No.20560 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.20560 of 2025

Suresh

.. Petitioner

Vs.

The State rep by
The Inspector of Police
Annuparpalayam police Station
Tiruppur City
Crime No. 805 of 2019

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending trial in
Spl.S.C.No.52 of 2020 on the file of the learned Sessions Judge, Magalir
Neethimandram (FTMC), Tiruppur.

For Petitioner : Mr.M.Vijaya Ragavan
For Respondent : Mr.R.Vinoth Raja
Government Advocate (Crl.side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on
02.09.2019, for the offence punishable under Section 366(A) of IPC and 5(l),
5(j)(ii) r/w 6 of POCSO Act and Section 9 of Prohibition of Child Marriage Act,
2006 in Crime No.805 of 2019, registered on the file of the respondent, seeks
bail.



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2. The case of the prosecution is that defacto complainant, who is the father of the victim girl lodged a complaint, stating that the petitioner had developed love affair with the victim girl, performed child marriage and committed penetrative sexual assault on her for several occasions thereby, the victim girl became pregnant. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is in no way connected with the alleged offence. It is the contention of the petitioner that the petitioner and the victim girl were husband and wife and out of their wedlock, they have two children. It is his contention that victim girl, who is a BA (History) graduate, consciously had a relationship with him and living as husband and wife. He also submits that since he did not appear before the Trial Court, NBW was issued against him on 05.12.2023 and thereafter, the petitioner has voluntarily surrendered before the Trial Court on 09.05.2025 and now he is in the custody for the past 68 days. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.



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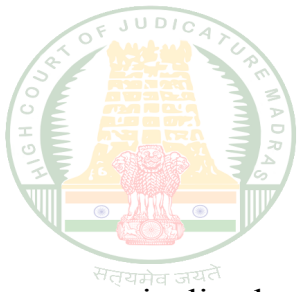
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4. Learned Government Advocate (Crl.side) appearing for the respondent police, submitted that NBW has been issued against the petitioner on 27.12.2023 and the same was executed on 09.05.2025. He submits that now the case is in IO stage and posted for trial on 21.07.2025. Hence, he strongly opposed to grant bail to the petitioner.

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

6. On perusal of materials available on record , it is seen that the petitioner and the victim were husband and wife with an age difference between them. Now, the victim girl has attained majority. As per her deposition on 15.09.2021, she was aged about 20 years. During the time of alleged occurrence, she was few months short of attaining majority. Further, the Hon'ble Apex Court in the case of ***K.Dhandapani Vs. State by Inspector of Police reported in 2022 SCC OnLine Mad 1056*** has laid down guidelines to take a lenient view in such circumstances taking into consideration the future of the victim girl and the children, who were born from the relationship.

7. Considering the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side and considering the period of incarceration undergone by the petitioner, this Court is



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inclined to grant bail to the petitioner with certain conditions.

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8. 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 **Sessions Judge, Magalir Neethimandram (FTMC), Tiruppur** 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 daily at 10.30 a.m., for a period of three 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 comply to the directions as may be given by the Court in this



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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.

22.07.2025

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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.

M.NIRMAL KUMAR, J.



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To

1. The Sessions Judge, Magalir Neethimandram (FTMC), Tiruppur.

2. The Inspector of Police
Annuparpalayam police Station
Tiruppur City

3. The Superintendent,
Central Prison, Coimbatore.

4. The Public Prosecutor,
High Court, Madras.

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