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CrI.O.P.No.21344 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2025

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CrI.O.P.No.21344 of 2025

Palani

... Petitioner

Vs.

The State Rep.by
The Inspector of Police,
All Women Police Station,
Palacode,
Dharmapuri District.
Crime No.26 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.26 of 2025 on the file of the respondent police.

For Petitioner : Mr.R.Elavarasan

For Respondent : Mr.S.Udayakumar
Government Advocate (Criminal Side)



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ORDER

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The petitioner herein apprehends arrest at the hands of the respondent police for the offences punishable under Sections 137(2), 87 of BNS read with Section 5(l), 5(j)(ii), Section 6 of POCSO Act and Section 9 of the Prohibition of Child Marriage Act in Crime No.26 of 2025, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the de facto complainant, who discontinued her studies in 2023, developed a love affair with the accused through Facebook, left home, married him at Murugan Temple, Kolparai, and thereafter lived with him, resulting in her present pregnancy of seven months. Hence, the present complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, reiterated the prosecution case and opposed the grant of anticipatory bail to the petitioner.



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5. Heard the learned counsels on either side and perused the materials available on record.

6. Considering the nature of the complaint, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of ten days from the date of receipt of a copy of this order before the learned **Special Court for Exclusive Trial of Cases under POCSO, Dharmapuri**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with two sureties, **in which one surety must be a blood surety** for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of ten days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

[b] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship



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[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 petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty-Five Thousand Only) to the credit of Crime No.26 of 2025 before the learned Special Court for Exclusive Trial of Cases under POCSO, Dharmapuri, and on such deposit, the de facto complainant is permitted to withdraw the same on proper acknowledgment.

[d] the petitioner shall report before the respondent police every Saturday at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation;

[e] 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];**

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



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To

- 1.The Special Court for Exclusive Trial of Cases under POCSO,
Dharmapuri.
- 2.The Inspector of Police,
All Women Police Station,
Palacode,
Dharmapuri District.
- 3.The Public Prosecutor,
High Court of Madras.

T.V.THAMILSELVI, J.

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