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Crl.O.P.No.23954 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2025

CORAM

THE HONOURABLE Dr.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.23954 of 2025

1.Sarankumar @ Ayyandurai
2.Shanmugaraj

... Petitioners

Vs.

The State Rep. by:
The Inspector of Police,
Tharamangalam Police Station,
Salem District.
(Crime No.866 of 2020)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in Crime No.866 of 2020 on the file of the respondent police.

For Petitioners : Mr.C.Nandhakumar

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

The petitioners are accused in Spl.S.C.No.122 of 2021, pending on the file of the Principal POCSO Court, Salem. Since 07.06.2022, they had been absconding. Hence, a Non Bailable Warrant was issued against them and they were arrested on 19.07.2025. The case is presently posted for



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examination of prosecution witnesses.

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2. The learned counsel appearing for the petitioners submitted that the 1st petitioner has married the victim girl and is living with her along with their child. The 2nd petitioner is the brother of the 1st petitioner. He further submitted that the victim girl and the 1st petitioner were in a love relationship, got married and are now living happily. He also submitted that the petitioners were unaware of the pendency of the case and therefore, did not appear before the Court.

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

4. Considering the fact that, this Court is inclined to grant bail to the petitioners, subject to certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 **Court of Sessions, Principal POCSO Court, Salem**, and on further conditions that:

[a] the sureties shall affix their photographs and



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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 petitioners shall appear before the Court of Sessions, Principal POCSO Court, Salem, daily at 10.30 a.m., including on the date of hearing, until further orders;

[c] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned 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)13 SCC 283];**

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

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Dr.G.JAYACHANDRAN, J.

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Note :

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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 Court of Sessions, Principal POCSO Court, Salem .
- 2.The Inspector of Police,
Tharamangalam Police Station,
Salem District.
- 3.The Superintendent, Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras.

01.09.2025