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Crl.O.P.No.22320 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2025

CORAM

THE HONOURABLE Dr.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22320 of 2025

Vijay, M/A 28 years,  
S/o Marimuthu  
Sathiyavedu Village  
Sathiyavedu, Andhra Pradesh

..Petitioner/Single  
Accused

/versus/

The State rep.by  
The Inspector of Police,  
Tiruttani All Women Police Station,  
Tiruvallur District.  
(Crime No.26 of 2025)

.. Respondent/  
Complainant

**PRAYER :** Criminal Original Petition filed under Section 483 of Bharatiya  
Nagarik Suraksha Sanhita, 2023,to enlarge the petitioner on bail in Crime  
No.523 of 2025 on the file of the respondent police.

|                |                                 |
|----------------|---------------------------------|
| For Petitioner | :Mr.D.Sivakumar                 |
| For Respondent | :Mr.L.Baskaran                  |
|                | Government Advocate (Crl. Side) |



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## ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.06.2025 for the offences punishable under Sections 127(2) BNS r/w 5(1), 6(1) of POCSO Act and Section 9 of Child Marriage Act on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the minor girl, who is the daughter of petitioner's paternal aunt, was sexually assaulted and committed penetrative sexual offence by making a believe that he has married her and thereafter, had developed affair with another lady and got married. During the short period of their affairs, she was pregnant and at the instant of the petitioner, foetus was aborted. The respondent police on receipt of the complaint dated 12.06.2025 arrested the petitioner herein on 20.06.2025. In completion of investigation, final report filed on 10.08.2025.

3.The learned Government Advocate (Crl.Side) circulated CD file containing the final report and the statement of the witnesses along with the medical report. The statement of the victim girl also furnished.

4.The records reveals that the petitioner was staying in the house of the victim and assisting the mother of the victim. Later, he has left the house and now married to a lady by name Bhuvaneswari. The complaint, dated 12.06.2025, regarding the incident occurred 9 months earlier, now been investigated in which the petitioner was arrested.



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5. Since the investigation completed and trial commenced, this Court is of the view that the petitioner be granted bail on condition.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Sessions Judge, Special Court for Exclusive Trial of Cases under POSCO Act, Tiruvallur** 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 appear before the trial to attend the trial without fail;**

[c] 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];**



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

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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.

To

- 1.The Sessions Judge, Special Court for Exclusive Trial of Cases under POSCI Act, Tiruvallur
- 2.The Inspector of Police,  
Tiruttani All Women Police Station,  
Tiruvallur District
- 3.The Central Prison, Puzhal.
- 4.The Public Prosecutor,  
High Court of Madras.



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Dr.G.JAYACHANDRAN, J.

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