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CRL OP No. 23153 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-09-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL OP No. 23153 of 2025

1. ELUMALAI

S/O Parthasarathy, Kollakottai,
Nambedu Village, Chetpet Taluk,
Tiruvannamalai District.

Petitioner(s)

Vs

1. The State Rep By,
The Inspector Of Police
Sulthanpettai Police Station,
Coimbatore District. Crime No.200 of
2025.

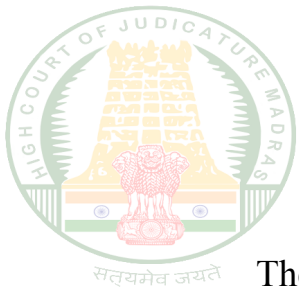
Respondent(s)

PRAYER

To enlarge the petitioner on bail in Crime NO.200 of 2025 pending investigation on the file of the respondent.

For Petitioner(s): E. Sathiyaraj

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

**ORDER**

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The petitioner, who was arrested and remanded to judicial custody on 15.07.2025 for the alleged offence under Sections 5(1) r/w 6 of Protection of Child from Sexual Offences Act, and Sections 87, 127(2) of BNS Act (corresponding Section 366, 342 of IPC) and Section 9 of Prohibition of Child Marriage Act, in Crime No.200 of 2025, on the file of respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant is that on 13.07.2025, his minor daughter, who aged about 14 years, was kidnapped by the petitioner with an intention to marry her and thereafter, he had committed penetrative sexual assault on her. Initially, the case was registered under the caption “Girl Missing” and later, altered to Sections 5(1) r/w 6 of Protection of Child from Sexual Offences Act, and Sections 87, 127(2) of BNS Act (corresponding Section 366, 342 of IPC) and Section 9 of Prohibition of Child Marriage Act.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further



submits that the petitioner and the victim girl love each other and they were eloped. On 14.07.2025, the petitioner married the victim girl at Nachiyapuram

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Murugan Temple. He further submitted that the petitioner has been suffering incarceration from 15.07.2025. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that 164 statement was recorded and the investigation is almost completed.

5. Taking into consideration the facts and submissions made by both counsels, the investigation is almost completed and 164 statement was recorded, and also considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on executing 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 Special Court under POCSO Act, Coimbatore*, and

on further conditions that:

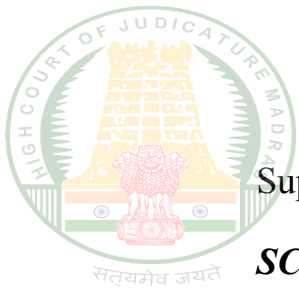
(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police on every Saturday at 10.30 a.m. for the period of eight weeks.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the Magistrate/Trial Court himself as laid down by the Hon'ble



Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

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(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

(g) the petitioner shall not to have any communicate with the victim girl.

12-09-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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1. The State Rep By,
The Inspector Of Police
Sulthanpettai Police Station,
Coimbatore District.
Crime No.200 of 2025.
2. The Special Court under POCSO Act,
Coimbatore.
3. The Superintendent of Prison,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras

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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T.V.THAMILSELVI J.
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