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Crl.O.P.No.23267 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2025

CORAM

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.23267 of 2025

1.Arumugam

2. Chithra

... Petitioners

Vs.

The State represented by,
The Station House Officer
Thirukanur Police Station
Puducherry
Crime No. 109 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on anticipatory bail in the event of their arrest in connection with Crime No. 109 of 2025 on the file of respondent police.

For Petitioner : M/s. C.Pushparaj

For Respondent : Mr. K.S.Mohandass
Public Prosecutor (Puducherry)
Assisted by M/s.N.Danalatchoumy



Crl.O.P.No.23267 of 2025

WEB COPY

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 6 of POCSO Act, 2012 and Sections 9 and 11 of Prohibition of Child Marriage Act, 2006 in Crime No. 109 of 2025, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that when the defacto complainant and her husband/A1 went to hospital for medical check up, the hospital authorities informed the respondent police that the victim girl got pregnant before 18 years. Hence, the case.

3. The learned counsel for the petitioners submits that the petitioners are innocent persons and they have been falsely implicated in this case. He submits that they have not committed any offence as alleged by the prosecution. He also submits that the petitioners are ready to abide by any conditions that may be imposed by this Court and ready to furnish sufficient solvent sureties for their release. Hence, he prays for grant of anticipatory bail to the petitioners.

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



Crl.O.P.No.23267 of 2025

WEB COPY

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

6. The petitioners are parents of the minor victim girl. They have solemnized marriage of their daughter to the first accused. When the victim was about 8 months pregnant, the crime has come to notice. Hence, the case registered in Crime No. 109 of 2025 by the respondent police. Considering the fact that the girl is about 17 years old and the marriage was solemnized by the elders without knowing the legal consequences, considering the nature of the complaint, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 10 (ten) days from the date of receipt of a copy of this order, before the learned **Fast Track Court Exclusively to deal with offences under the POCSO Act at Puducherry**, on condition that the petitioners shall execute 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 Magistrate concerned and on further condition that:



Crl.O.P.No.23267 of 2025

WEB COPY

(a) If the petitioners fails to surrender before the concerned Magistrate, within a period of 10 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 [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 petitioners shall report before the respondent police as and when required for interrogation.

[d] 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]**;



CrI.O.P.No.23267 of 2025

WEB COPY

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

25.08.2025

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To

- 1.The learned Fast Track Court Exclusively to deal with offences under the POCSO Act at Puducherry.
2. The Station House Officer
Thirukanur Police Station
Puducherry
3. The Public Prosecutor,
High Court of Madras.

Dr.G.JAYACHANDRAN, J.



WEB COPY



Crl.O.P.No.23267 of 2025

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Crl.O.P.No.23267 of 2025

25.08.2025