



WEB COPY



Crl.OP.No.25918of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2025

CORAM

THE HONOURABLE MR JUSTICE K.RAJASEKAR

Crl.O.P.No.25918 of 2025

1. Sadhu
2. Sumathi

... Petitioners

Vs.

The State Rep by
The Inspector of Police,
All Women Police Station-Harur,
Dharmapuri District.
(Cr.No.17 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, to enlarge the petitioners on anticipatory bail in
the event of their arrest concerned in Crime No.17 of 2025 on the file of the
Inspector of Police, All Women Police Station-Harur, Dharmapuri District.

For Petitioners : Mr.C.Prabakaran

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl. Side)

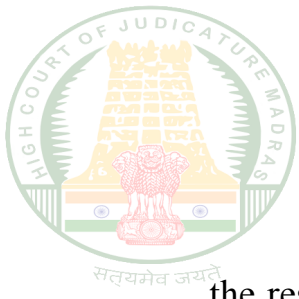


ORDER

The petitioner, who apprehends arrest for the alleged offence under Sections 5(1), 6 of Protection of Children from Sexual Offences Act, 2012 r/w Section 9 of Prevention of Child Marriage Act, 2006 in Cr.No.17 of 2025 on the file of the respondent police seeks anticipatory bail.

2.The allegations against the petitioners is that Petitioner No.1 contracted a marriage with the victim girl, a minor, on 15.09.2023, and subsequently committed penetrative sexual assault, which resulted in her pregnancy. Other accused abetted A1. Hence, the present case has been registered.

3. The learned counsel for the petitioner submitted that the 1st petitioner married the victim voluntarily. He further submitted that the petitioner was unaware of the victim's minority at the time of the marriage and the subsequent cohabitation. It was only during medical treatment for her pregnancy that he learned she was a minor. On these grounds, the learned counsel prayed for the grant of anticipatory bail to the petitioner.



WEB COPY

4. The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that the investigation is still ongoing. He further submitted that the statement of the victim girl under Section 164 of BNSS Act, 2023, has been recorded before the learned Judicial Magistrate. Hence, he vehemently opposed the grant of anticipatory bail.

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

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel, and taking note of the fact that the marriage was solemnized in September 2023, the victim is in an advanced stage of pregnancy, and considering the age of the 1st petitioner, I am inclined to grant anticipatory bail to the petitioner, subject to the following 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 fifteen (15) days from the date on which the order copy made, before the **Special Court for the**



WEB COPY

Exclusive Trial of POCSO Act Cases, Dharmapuri on condition that the petitioner shall execute a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only) with two sureties** each for a like sum to the satisfaction learned Magistrate concerned, and on further condition that:

(a) If the petitioner fails to surrender before the concerned Magistrate within a period of fifteen (15) 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 identify proofs to ensure their identity;

(c) **The petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;**

(d) **The petitioner No.1 shall cooperate fully with the investigation, including submitting to any medical examination as and when required by the Investigating Officer ;**



WEB COPY



CrI.OP.No.25918of 2025

(e) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]***;

(f) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

22.09.2025

Vv

To

1. The Special Court for the Exclusive Trial
of POCSO Act Cases, Dharmapuri
2. The The Inspector of Police,
All Women Police Station-Harur,
Dharmapuri District.
3. The Public Prosecutor
High Court of Madras,
Chennai 600 104.



WEB COPY



CrI.OP.No.25918of 2025

K.RAJASEKAR, J.

Vv

CrI.O.P.No.25918 of 2025

22.09.2025