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Crl.OP.No.26367 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2025

CORAM

THE HONOURABLE MR JUSTICE K.RAJASEKAR

Crl.O.P.No.26367 of 2025

and

Crl.OP.No.18052 of 2025

1. K.Priya

2. K.Dhanasekar

... Petitioners

Vs.

The State represented by
Sub Inspector of Police,
Bagayam Police Station,
Vellore District
(Cr.No.229 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 arrest by the respondent police Crime No.229 of 2025 on the
file of the respondent.

For Petitioners : Mr.M.R.Thangavel

For Intervenor : Mr.R.Gopinath

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



ORDER

The petitioners, who apprehend arrest for the alleged offence under Sections 308(2) of BNS and Section 22(1) of POCSO Act and Section 74, 75, 87 of Juvenile Justice Act 2015 in Crime No.229 of 2025, on the file of the respondent police seek anticipatory bail.

2. The allegation against the petitioners is that the first petitioner is the mother of the victim girl and the second petitioner is the brother of the first petitioner. The father of the child has come forward with this complaint that his daughter has been exposed to various Y Tube channels. Further, the petitioners have forcing the victim girl to state that she has been abused by her father. He further alleged that while the child was in ill health, she has been improperly treated and not taken care by her mother. It is also alleged that if the victim girl continues to remain in the custody of her mother, it will affect her welfare. Hence, the complaint has been lodged.

3. The learned counsel appearing for the petitioners submitted that the entire allegations alleged to have been taken place in the year 2022 to 2023. The custody applications were filed by the petitioner/husband and having failed to get any custody order in his favour. Hence, he has come forward with the present complaint. He has also produced the order passed



by this Court in WP.No.31498 of 2025 dated 29.08.2025 , to support this case and stated that victim girl was produced before this Court and the learned Judge has enquired the victim girl and recorded the fact that the victim girl has not said any adverse against the petitioner herein. Hence, this complaint itself is a motivated complaint.

4. The learned counsel for the Intervenor relying on the various documents which is said to have been taken place from the year 2022 and submitted that there was proper enquiry was conducted by the Child Welfare committee. In the said enquiry, it was revealed that the child was abused by the petitioners herein and on the basis of the complaint lodged by the Child Welfare Committee, this FIR has been filed. The learned counsel also submitted that if the victim girl continues to remain in the custody of her mother, it will affect her welfare. Hence, he opposed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and reported that FIR was registered recently and the investigation is pending. Hence, he opposed to grant anticipatory bail to the petitioners.

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



6. I have gone through the records and considering the submissions of both sides and the order of this Court in WP.No.31498 of 2023 dated 29.08.2025 which reveals that after hearing the child recorded as follows;

" Pursuant to the orders passed by this Court on 20.08.2025, the 8th respondent was present before this Court along with the child. This Court enquired the child and she stated that she is presently studying at Velammal Bodhi Campus School. The child further stated that she is living with the mother for the last four years and the child is not willing to go with the father"

2. Ms.S.Subashini Protection Officer (in-charge) from the 5th respondent Unit stated that they have also enquired the child and the child has stated that she wants to continue to live with the mother and is not willing to go with the father. The Officer further stated that considering the welfare of the child, the Child Welfare committee also took a decision to continue the custody of the child with the 8th respondent. The said Officer did not state anything adverse against the 8th respondent".

7. The other allegations levelled in the FIR is that the father went to see the child on 03.07.2022 and found that the child was malnourished and



she requires treatment and he also arrange treatment at hospital. He also came to know that the child was forced to give interview stating that the defacto complainant was involved in sexual assault on the victim girl. Further all these statements are relating to facts taken place in the year 2022 and he further stated that already there is an FIR registered in Cr.No.180 of 2022 on the file of Bagayam Police Station.

8. The entire allegations levelled in the FIR, the various events taken place in the year 2022 and subsequently this Court in W.P.No.31498 of 2025, the learned Judge has enquired the victim girl and there is no allegations levelled by the victim girl against her mother. The victim girl is also stated that she is willing to continue to stay with the mother.

9. In view of the same and considering the allegations and the submissions made by both counsel, I am of the view that the custodial interrogation of the petitioners is not necessary. Accordingly, I am inclined to grant anticipatory bail to the petitioners, subject to certain conditions. .



10. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance within a period of fifteen (15) days from the date on which the order copy made, before the learned **Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act Vellore** on condition that each of the petitioners shall execute separate bonds 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 petitioners 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) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]***;

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

Consequently, the connected miscellaneous petition is closed.

10.10.2025

Vv

To

1. The Sessions Judge,
Special Court for Exclusive Trial of Cases
under POCSO Act at Vellore.
2. The Sub Inspector of Police,
Bagayam Police Station,
Vellore District
3. The Public Prosecutor
High Court of Madras,
Chennai 600 104.



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K.RAJASEKAR, J.

Vv

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