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Crl.O.P.No.27003 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.27003 of 2025

Kavin

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Perumbalai Police Station,
Dharmapuri District.
Now the case transferred to
The Inspector of Police,
All Women Police Station,
Dharmapuri District.
(Crime No.63 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner/Accused on bail in
Crime No.63 of 2025 pending on the file of the respondent Police.

For Petitioner : Mr.S.Arivazhagan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.07.2025, for the offence punishable under Sections 137(2), 87 of BNS and Section 9 of the Prohibition of Child Marriage Act, 2006 and Sections 3(a) read with 4(1) of POCSO Amendment Act, 2019, in Crime No.63 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the petitioner has kidnapped the minor girl and had sexual intercourse with her, on promise that he will marry her. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is innocent and has been falsely implicated in this case. He further submitted that the statement of the victim indicates a long-term relationship with the petitioner, who is about 23 years old and the petitioner has been in custody since 04.07.2025. Hence, he prayed for grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police opposed the grant of bail, reiterating the prosecution case and submitted that the petitioner developed a love relationship with the victim girl, who was aged about 17 ½ years, kidnapped her to his house, and subsequently, under the pretext of tying a thali, married her and had penetrative sexual assault. He further submitted that earlier this Court had dismissed the bail petition filed by the petitioner in Crl.O.P.No.22664 of 2025 dated 14.08.2025 and the investigation in this case has not yet been completed.

5. I have also gone through the alteration report submitted by the respondent police, which records various facts relating to the petitioner and the victim girl, including their respective ages at the stage of the investigation.

6. Considering the statement of the victim, the ages of both the petitioner and the victim, and taking into account the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions:



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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Special Court for Exclusive Trial of Cases under POCSO Act, Dharmapuri**, 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 stay at Villupuram and report before the Inspector of Police, Villupuram Town Police Station daily at 10.30 a.m., for a period of four weeks, and thereafter as and when required for interrogation;

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during



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investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] 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]**;

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

06.10.2025

cda

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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K.RAJASEKAR, J.

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To

- 1.The Special Court for
Exclusive Trial of Cases under POCSO Act,
Dharmapuri.
- 2.The Inspector of Police,
All Women Police Station,
Dharmapuri District.
- 3.The Sub-Jail, Dharmapuri.
- 4.The Public Prosecutor,
High Court of Madras

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