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Crl.O.P.No.680 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.01.2025

CORAM

THE HONOURABLE Mr. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.680 of 2025

1. S.Arul
2. K.Saminathan
3. Padmini

... Petitioners

Vs

The State rep. by,
The Inspector of Police,
Tirupattur Taluk Police Station,
Tirupattur District.
(Crime No.763 /2024)

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant anticipatory bail to the petitioners in the event of their arrest or surrender in connection with the case in Cr.No.763 of 2024, on the file of the respondent police.

For Petitioners	:	Mr.Karthikeyan Vajiram
For Respondent	:	Mr.Santhosh
		Government Advocate (Crl.Side)

ORDER

Apprehending arrest in connection with Crime No.763 of 2024 registered for the offences punishable under Sections 5(l), & 6 of the POCSO



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Act, r/w Section 9 of the Child Marriage Act, the present petition has been filed by the petitioners seeking anticipatory bail.

2. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. He further submits that the petitioners are hailing from lower state of society and without understanding the consequences, the first petitioner developed love affair with the victim girl and they got married due to which the victim girl got pregnant and delivered a child. On the complaint given by the Social Welfare Officer, the case has been registered. He further submits that the petitioners are ready to abide by any stringent condition that may be imposed by this Court.

3. The case of the prosecution as putforth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that the first accused committed penetrative sexual assault on the victim girl aged about 15 years. He further submits that the first accused kidnapped the victim girl and took her into the temple and had sexual intercourse due to which, she delivered a child. The second and third petitioners are the parents of the first petitioner, who had arranged their wedding.



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4. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record including the statement recorded under Section 183 of BNSS from the victim girl.

5. Having heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions and accordingly the petitioners are ordered to be released on bail in the event of arrest or on their appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.I, Tirupattur**, 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 respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the first petitioner shall appear before the respondent Police daily at 06.30 p.m., for a period of two weeks and



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thereafter, on every Saturday at 10.30 a.m. until further orders; the second and third petitioners shall appear before the respondent Police daily at 06.30 p.m., for a period of two weeks and thereafter, as and when required.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the 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)AIR SCW 5560];

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 of BNS.

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Index : Yes/No

Internet : Yes/No

rts



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To

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1. The Station House Officer,
Tirupattur Taluk Police Station,
Tirupattur District.
2. The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

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