



Crl.O.P.No.32243 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.01.2025

CORAM

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

Crl.O.P.No.32243 of 2024

Balamurugan

... Petitioner

Vs

The State rep by
The Inspector of Police,
All Women Police Station
Chidambaram,
Cuddalore District.
Crime No.22 of 2024.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of of Bharatiya
Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioner on
anticipatory bail in the event of his arrest by the respondent Police in Crime
No.22 of 2024 on the file of the respondent police.

For Petitioner : Mr.A.Sathish Kumar

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



ORDER

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Apprehending arrest in connection with Crime No.22 of 2024 registered for the offences punishable under Sections 5(b) (e) (j) (ii) r/w 6 of the POCSO Act 2012 and Section 9 of Child Marriage Act 2006, the present petition has been filed seeking anticipatory bail.

2. On the complaint given by the Child Line Supervisor that a 17 years old minor girl was brought before the ESI Hospital for pregnancy the case was taken up for investigation and during the course of investigation it was found that the minor was aged 17 years and got married to the first accused by her father and thereafter driven out of the matrimonial house. Hence the case.

3. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. Learned counsel for the petitioner would submit that the petitioner/A1 is the husband of the victim girl. The victim girl's father who is A2 had given his daughter for marriage stating that she is a major and other than that the petitioner has not committed any offence. He further submitted that



statement has been recorded from the minor victim girl under Section 183 of BNSS and that no specific allegations of sexual assault has been made against the petitioner. He further submitted that the petitioner was issued notice under Section 41 (A) and the petitioner appeared for enquiry and investigation has also been completed and final report has also been filed before the concerned Court.

4. The case of the prosecution as put forth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that the A2 who is the father of the victim girl against her wish had performed child marriage between the petitioner and his minor victim girl. The victim girl's father/A2 was arrested and released on bail.

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 including the statement recorded from the victim under Section 183 of BNSS, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly, he is ordered to be released on bail in the event of arrest or on his appearance



within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Judge for POCSO Act Cases, Cuddalore, on condition that the petitioner shall execute a 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 petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the learned Special Judge for POCSO Act Cases, Cuddalore Police daily at 10.30 a.m for a period of two weeks and thereafter on the date fixed by the learned POCSO Judge;

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

[d] the petitioner 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 petitioner in accordance with law as if the 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



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[(2005)AIR SCW 5560];

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

09.01.2025

dpq

To

1. The Inspector of Police,
All Women Police Station
Chidambaram,
Cuddalore District.

2. The Public Prosecutor
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

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