



WEB COPY



Crl.O.P.No.32235 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2025

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.32235 of 2024

Tamilmani

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Nallur Police Station,
Tiruppur District.

(Crime No.735 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.735 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.P.Rajavelayutham

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

Petition seeking bail in respect of Crime No.735 of 2024 registered for Girl Missing and later, altered into the offences punishable under Section 87 of BNS, Sections 5(l), 6 of Protection of Children from Sexual Offences Act, 2012 and Sections 9 & 10 of Child Marriage Act, is on board for consideration.



CrI.O.P.No.32235 of 2024

2. The incarceration of the petitioner being from 26.09.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He further submits that the petitioner, aged about 19 years, without understanding the consequences and rigours of the Protection of Children from Sexual Offences Act and the Child Marriage Act, had love affair with the minor victim girl and married her, however, he has not committed any offence as alleged by the prosecution. He further submits that the petitioner was having love affair with the minor victim girl and on coming to know about the same, the family members of the victim girl, have reprimanded her and thereby, the victim had come out of her house and eloped along with the petitioner. He further submits that the petitioner is 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 (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioner, aged about 19 years, had kidnapped the minor victim girl, aged about 16 years and committed penetrative sexual assault on her. He further submits that the minor victim girl has been secured and the statement under Section 183 of BNSS has also been recorded from her. He further submits that the investigation in this case is pending.



Crl.O.P.No.32235 of 2024

4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record including the statement recorded under Section 183 of BNSS from the minor victim girl and considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and 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 (out of which, one of the sureties should be either the father or mother of the petitioner)**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.IV, Tiruppur**, and on further conditions that :

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall stay at **Kolathur, Salem District** and report before the **Inspector of Police, Kolathur Police Station**, everyday at **10.30 a.m.**, until further orders. It is made clear that the petitioner shall not enter into the **jurisdictional limits of the respondent Police**, until further orders except for further investigation;

[c] the petitioner shall not abscond either during investigation or trial;



WEB COPY



Crl.O.P.No.32235 of 2024

A.D.JAGADISH CHANDIRA.,J.

ham

[d] the petitioner shall not tamper with evidence or witness 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 [(2005)AIR SCW 5560];***

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

02.01.2025

ham

To

1. The Judicial Magistrate No.IV,
Tiruppur,
2. The Inspector of Police,
Nallur Police Station,
Tiruppur District.
3. The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
Kolathur Police Station, Salem.

Crl.O.P.No.32235 of 2024