



Crl.O.P.No.32292 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.32292 of 2024

N. Vinnarasan

... Petitioner

Vs

The State rep by
The Inspector of Police,
All Women Police Station
Polur, Thiruvannamalai District.
Crime No.21 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.21 of 2024 on the file of the respondent police.

For Petitioner : Mr.Sam Arul Prasath.A

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

ORDER

Apprehending arrest in connection with Crime No.21 of 2024 registered for the offences punishable under Sections 366 of IPC r/w Sections 5(1), (j) (ii) and 6(1) of



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the POCSO Act 2012 and Section 9 of Child Marriage Act 2006, the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution is that the victim girl aged about 15 years loved the accused and eloped with the accused and got married on 25.01.2024. Thereafter they started living as husband and wife and as a result she was 5 months pregnant. On 09.07.2024 the parents of the victim girl admitted her in a Government Hospital, Thiruvannamalai and aborted the foetus and thereafter she started residing with her parents. Four months after the abortion the respondent police came to her house on 27.11.2024 got her statement and registered the case. 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. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this 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 petitioner married a minor girl and had sexual intercourse and thereafter when coming to know that she is pregnant, the Child Line Supervisor gave a complaint and that the victim girl aborted the foetus and she had been sent back to her residence along with her parents. He further submits that the investigation is still pending.

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 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 Judicial Magistrate, Polur, Thiruvannamalai District, 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



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cancelled;

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m for a period of two weeks and thereafter on every Saturday at 6.30 p.m., until further orders ;

[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 [(2005)AIR SCW 5560];

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

09.01.2025

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To

1. The Inspector of Police,
All Women Police Station
Polur, Thiruvannamalai District

2. The Public Prosecutor,

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High Court Madras

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A.D.JAGADISH CHANDIRA, J.

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