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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2025

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THE HONOURABLE MR JUSTICE **K.RAJASEKAR**

Crl.O.P.No.27858 of 2025

1. Pachaimuthu
2. Velu
3. Rani
4. Palani
5. Amutha

... Petitioners

Vs.

State rep by the Inspector of Police,
AWPS Thirukoilur Police Station,
Kallakurichi District.
(Crime No.109 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in Crime
No.109 of 2025 on the file of the respondent police.

For petitioners	: Mr.M.Shimiyon Edwin
For Respondent	: Mr.S.Udhayakumar
	Government Advocate (Crl. Side)

ORDER

The petitioners herein apprehend arrest at the hands of the respondent police for the offences punishable under Sections 5(n), 5(l), 5(i)(ii), 6, 17 of POCSO Act in Crime No.109 of 2025, on the file of the respondent Police, seeks anticipatory bail.



2. The case of the prosecution is that the petitioner herein developed contact with victim girl and under the pretext of marriage on 26.04.2024, committed penetrative sexual assault. After that she was pregnant and went to the Hospital, and hospital authorities lodged complaint. Hence the case.

3. The learned counsel for the petitioner would submit that the occurrence was of the year 2024 and the FIR was registered only recently. When the case was registered, the victim girl was aged about 18 years and not aged about 17 years as alleged by the prosecution and hence there is no offence committed under POCSO. Hence, he prayed for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent police, reiterated the prosecution case and there is no previous case pending against the petitioners. He would further submit that the occurrence was of the year 2024 and the FIR was registered only on 26.09.2025. However, he opposed to grant anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Considering the nature of allegations, and the fact that the victim girl was alleged to be aged about 18 years at the time of filing of the



complaint and both victim and first petitioner were having relationship for long period, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of ten days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate Court, Thirukoilur** on condition that the petitioners shall execute a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand Only)** with **two sureties** each for a like sum to the satisfaction of the learned Magistrate concerned, and on further condition that:

[a] if the petitioners fails to surrender before the concerned Magistrate within a period of ten days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

[b] 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;



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[c] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation;

[d] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned 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)13 SCC 283];**

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

13.10.2025

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To

1. The Judicial Magistrate Court, Thirukoilur.
2. The Inspector of Police,
AWPS Thirukoilur Police Station,
Kallakurichi District.
3. The Public Prosecutor,
High Court of Madras.

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