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Crl.O.P.No.28384 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **16-10-2025**

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.28384 of 2025

Viji

... Petitioner/ Accused

Vs

The State rep. by,
The Inspector of Police,
Pappireddipatti Police Station,
Dharmapuri District.
(Crime No.197 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in
Crime No.197 of 2025 on the file of the respondent police.

For Petitioner(s) : Mr. M. Selvam

For Respondent(s) : Mr. A. Gopinath
Government Advocate (Crl. Side)



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 06.09.2025 for the offences punishable under Section 87 of BNS and Section 5(1) and 6(1) of POCSO Act and Section 9 of Prohibition of Child Marriage Act in Crime No.197 of 2025, registered on the file respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant and the petitioner are relatives residing in same village; that the petitioner, who is aged about 25 years got acquaintance with the sister of the defacto complainant, who is aged about 16 years; that thereby developed relationship, taken the victim to Erode, married her and committed penetrative sexual assault. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated and he is in custody since 06.09.2025. He also submitted that the petitioner is the relative of the victim and they were in love; and that the petitioner is ready to abide by any conditions that may be imposed by this Court and sought for bail to the



petitioner.

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4. The learned Government Advocate (Crl. Side) appearing for the respondent while opposing the bail to the petitioner reiterated the prosecution case and stated that the statement of the victim has been recorded; and that the major part of the investigation is completed.

5. I have considered the submissions made on both sides and perused the materials available on record, including the statement of the victim girl.

6. Considering the facts of the case, statement of the victim girl and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Special Court for Exclusive Trial of Cases under POCSO Act, Dharmapuri** and on further conditions that:



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[a] 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;

[b] the petitioner shall stay at Villupuram and report before the Inspector of Police, Villupuram Town Police Station daily at 10:30 a.m., until further orders. It is made clear that the petitioner shall not enter into the jurisdiction of the respondent police, until further orders;

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

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



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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. The Special Court for Exclusive Trial of Cases under POCSO Act, Dharmapuri.
2. The Inspector of Police,
Pappireddipatti Police Station,
Dharmapuri District.
(Crime No.197 of 2025)
3. The Superintendent,
District Prison, Dharmapuri.
4. The Public Prosecutor,
High Court of Madras.

K. RAJASEKAR, J.

stn

5. The Inspector of Police,



Villupuram Town Police Station.

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