



WEB COPY



Crl.O.P.No.29162 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.29162 of 2025

Ajithkumar

... Petitioner

Vs.

The State represented by
The Inspector of Police,
AWPS Harur,
Dharmapuri District.
(Crime No.15 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner/Accused on bail in
Crime No.15 of 2025 on the file of the respondent police.

For Petitioner : Mr.Durai Gunasekaran

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 24.08.2025, for the offence punishable under Section 87 of BNS, Sections
5(l), 5(j)(ii) and 6(1) of POCSO Act and Section 9 of Prohibition of Child
Marriage Act, 2006, in Crime No.15 of 2025, registered on the file of the
respondent, seeks bail.



Crl.O.P.No.29162 of 2025

WEB COPY

2. The case of the prosecution is that the petitioner is the relative of the victim girl, aged about 14 years old, had developed a contact with her and committed a penetrative sexual assault. Subsequently, under the pretext of marrying her, continued the relationship, and she became pregnant. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and has been falsely implicated in this case. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and has been in custody since 24.08.2025. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police opposed the grant of bail to the petitioner, reiterating the prosecution case and submitted that the victim is aged 14 years, while the accused is 26 years old and a close relative. He further submitted that the accused and the victim were in a love relationship and that the accused committed penetrative sexual assault. He also submitted that the final report has been filed and the case is now pending in Spl.C.S.C.No.268 of 2025 on



Crl.O.P.No.29162 of 2025

WEB COPY

the file of the Special Court for Exclusive Trial of Cases under POCSO Act,
Dharmapuri.

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

6. Considering the nature of the allegations, the fact that the case is now pending in Spl.S.C.No.268 of 2025, and taking into account the period of incarceration, 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.25,000/- (Rupees Twenty-Five 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:

[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 report before the concerned Court daily at 10.30 a.m., for a period of four weeks, and thereafter on all hearing dates without fail. It is made clear that the petitioner shall not enter the jurisdictional limit of the respondent police;

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] 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]**;

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



CrI.O.P.No.29162 of 2025

27.10.2025

WEB COPY
cda

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 Station House Officer,
AWPS Harur,
Dharmapuri District.
- 3.The District Jail, Dharmapuri.
- 4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.29162 of 2025

K.RAJASEKAR, J.

cda

Crl.O.P.No.29162 of 2025

27.10.2025