



WEB COPY



Crl.O.P.No.29847 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.29847 of 2025

Selvaraj

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Palacode Police Station,
Dharmapuri District.
(Crime No.172 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.172 of 2025 on the file of the respondent police.

For Petitioner : Mr.V.Sakkarapani

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 17.07.2025, for the offence punishable under Sections 137(2), 87 of BNS
and Sections 3(a), 4(1) of POCSO Act, 2012, and Section 9 of the
Prohibition of Child Marriage Act, 2006, in Crime No.172 of 2025,



Crl.O.P.No.29847 of 2025

registered on the file of the respondent, seeks bail.

WEB COPY

2. The case of the prosecution is that the petitioner, aged about 34 years, seduced the victim girl, aged about 15 years, under the pretext of marrying her, kidnapped her, and committed aggravated penetrative sexual assault. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner did not kidnap the victim girl; rather the victim had voluntarily accompanied him, and thereafter, a complaint was lodged. He further submitted that the petitioner has been in custody since 17.07.2025. Hence, he prays to grant 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. He submitted that the investigation has been completed and the final report has been filed. The case is now pending in Spl.C.S.C.No.212 of 2025 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Dharmapuri, and is posted for framing of charges on 10.11.2025.



Crl.O.P.No.29847 of 2025

WEB COPY

5. I have carefully perused the materials available on record, including the statement of the victim, it is revealed that the petitioner had developed a relationship with the victim girl under the pretext of marrying her, kidnapped her and committed aggravated penetrative sexual assault. Now, the investigation was completed and the final report has been filed.

6. Considering the nature of the allegations, the fact that the case is now pending in Spl.S.C.No.212 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.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:

[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 three weeks. It is made clear that the petitioner shall not enter the area where the victim resides;

[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]**;



CrI.O.P.No.29847 of 2025

[g] If the accused thereafter absconds, a fresh

WEB COPY

FIR can be registered under Section 269 of B.N.S.

03.11.2025

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 Inspector of Police,
Palacode Police Station,
Dharmapuri District.
- 3.The District Jail, Dharmapuri.
- 4.The Public Prosecutor,
High Court of Madras.

K.RAJASEKAR, J.



WEB COPY



Crl.O.P.No.29847 of 2025

cda

Crl.O.P.No.29847 of 2025

03.11.2025