



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05.11.2025**

CORAM

THE HONOURABLE MR JUSTICE K.RAJASEKAR

CRL.O.P.No.30165 of 2025

1.Shanmugam

2.Kesi

... Petitioners

Versus

The State rep by its,
The Inspector of Police,
Rishivandiyam Police Station,
Kallakurichi District.
(Crime No.153 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of B.N.S.S., to enlarge the petitioners on bail in the event of his arrest in Crime No.153 of 2025 on the file of the respondent police.

For Petitioners	:	Mr.S.Mageshkumar
For Respondent	:	Mr.S.Udaya Kumar, Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehend arrest by the respondent police for the offences punishable under Section 194(3) of BNSS, 2023 and Section 5(n),5(l), 17, 6 of Protection of Child from Sexual Offences Act, 2012 & 9, 10 of the Prohibition of Child Marriage Act, 2006 in Crime No.153 of 2025 seek anticipatory bail.



2.The allegation against the petitioners is that they are the father and mother of the deceased, who was aged about 19 years. It is alleged that the petitioners conducted her child marriage with A1, and subsequently A1 committed penetrative sexual assault on the victim girl. Thereafter, due to matrimonial dispute, they got separated, and the deceased was residing in her parental home. On the date of the alleged occurrence, a wordy quarrel arose between them, which led her to commit suicide by consuming poison. Hence the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners are the parents of the victim girl and that they have not committed any offence as alleged by the prosecution. He further submitted that the marriage had taken place two years ago, at that time, the victim girl was aged about 19 years. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the RDO enquiry is in progress and that the investigation is at preliminary stage. He further submitted that no one was arrested in this case. However, he opposed for grant of anticipatory bail to the petitioners.



5. Heard the learned counsel for the petitioners as well as the learned Government Advocate (Crl.side) and perused the materials available on record.

6. Considering the submissions made by the learned counsel on either side, the relationship between the deceased and the petitioners, and the fact that the major allegation against the petitioners is that they had arranged the marriage of the deceased with A1 about two years ago, and since the custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned Judicial Magistrate, Thirukoilur at Kallakurichi District*, on condition that the petitioner shall execute a separate bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand Only), each 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 learned Magistrate concerned and on further condition that:



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(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police, everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners in accordance with law as if the 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) AIR SCW 5560]*; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

05.11.2025

drl



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To

1. The Judicial Magistrate, Thirukoilur
at Kallakurichi District,

2. The Inspector of Police,
Rishivandiyam Police Station,
Kallakurichi District.

3. The Public Prosecutor,
High Court, Madras.



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K.RAJASEKAR, J.

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