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Crl.A.No.1752 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.A.No.1752 of 2025

Mathivanan

... Appellant

Vs.

1.The Deputy Superintendent of Police,
Deputy Superintendent Office,
Kallakurichi District.

2.The Station House Officer,
All Women Police Station,
Kallakurichi,
Kallakurichi District.
(Crime No.72 of 2025)

3.Kayathri

...Respondents

PRAYER: Criminal Appeal filed under Section 14(A) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, to set aside the order dated 30.10.2025 made in Crl.M.P.No.2872 of 2025 on the file of the learned Principal District and Sessions Judge, Kallakurichi, by allowing this criminal appeal and enlarge the petitioner on bail pending investigation in Crime No.72 of 2025.

For Appellant : Mr.V.Gunasekar



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For R1 and R2 : Mr.S.Balaji
Government Advocate (Crl. Side)

For R3 : Ms.S.Sridevi
Legal Aid Counsel

JUDGMENT

The appeal has been filed challenging the dismissal of the petitioner's application for bail in Crl.M.P.No.2872 of 2025 dated 30.10.2025. The petitioner was arrested on 24.10.2025 for the alleged offences under Sections 5(1), 5(j)(ii), 6 of the POCSO Act and Sections 3(1)(w)(1), 3(2)(va) of the SC/ST Act.

2. The allegation against the petitioner is that he had a love affair with the de facto complainant/victim ever since their school days; that he promised to marry her, and had sexual intercourse with her on several occasions; that when the victim asked the petitioner to marry her, he insulted her since she belonged to a Scheduled Caste community, and thereafter the petitioner married the victim's friend, and thus committing the aforesaid offences.

3. The learned counsel for the petitioner would submit that the petitioner was arrested on 24.10.2025; that admittedly, it is a case of a love affair; that even assuming that the petitioner had sexual intercourse with the



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victim when she was a minor, the complaint is belated and an afterthought, lodged only on 22.10.2025 after the victim attained majority; and that in any case, further incarceration is not required for the purpose of investigation; and prayed for allowing the appeal.

4. The learned Government Advocate (Crl.Side) for the first and second respondents, per contra, would submit that in matters of this nature the delay in filing the complaint alone would not be a ground for grant of bail; that the victim girl became pregnant and thereafter aborted the child; that the petitioner had not married the victim girl, since she belonged to a Scheduled Caste community; that the investigation is still pending and have opposed the grant of bail.

5. Though notice to the victim was served, none had entered appearance. Hence this Court appointed Ms.S.Sridevi, Legal Aid Counsel, for the third respondent. She would submit that the petitioner had committed a grave offence and that if the petitioner is released on bail he would pose a threat to the victim's life; and since the investigation is pending, the petitioner may not be released on bail.



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6. Even according to the complaint, the victim and the appellant had a love affair since school days. The victim is aged 19 years as per the FIR. The victim did not choose to give a complaint of the alleged offence under the POCSO Act when she was a minor. The allegations in the FIR *prima facie* disclose only a consensual relationship. Though there is allegation that the petitioner had humiliated the de facto complainant, this Court sees no reason to detain him further as further incarceration would not aid the investigation in any manner.

7. Accordingly, the appellant is ordered to be released on bail subject to the following conditions:

(i) The appellant shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Principal District and Sessions Judge, Kallakurichi.

(ii) the appellant/accused shall stay at Salem and report before the Shevapet Police Station, Salem, daily at 10.30 a.m., until further orders.

(iii) the appellant/accused shall not commit any offences of similar nature;

(iv) the appellant/accused shall not abscond either during investigation or trial;

(v) the appellant/accused shall not tamper with evidence or witness either during investigation or trial;



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(vi) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the appellant in accordance with law as if the conditions have been imposed and the appellant 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]***;

(vii)if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

8. In view of the above, the order dated 30.10.2025 in Crl.M.P.No.2872 of 2025 passed by the learned Principal District and Sessions Judge, Kallakurichi, is set aside and the Criminal Appeal is allowed.

cda
Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No

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To



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SUNDER MOHAN, J.

cda

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- 2.The Deputy Superintendent of Police,
Deputy Superintendent Office,
Kallakurichi District.
- 3.The Station House Officer,
All Women Police Station,
Kallakurichi,
Kallakurichi District.
- 4.The Shevapet Police Station,
Salem.
- 5.The District Jail, Villupuram.
- 6.The Public Prosecutor,
High Court, Madras.

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