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CRL OP No. 31153 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL OP No. 31153 of 2025

1. Mohamed Azarudeen

S/o Jainulabudeen,

2. Abunisha

W/o. Jainulabudeen

Both are residing at No. 128/21, Ismail
Ground, Lloyods Road, Tiruvallikkeni,
Chennai District

Petitioner(s)

Vs

State rep by The Inspector of Police
AWPS Royapettai Police
Station, Chennai.
Crime No.30 of 2025

Respondent(s)

CRL OP No. 31153 of 2025

PRAYER

To enlarge the Petitioners on bail in the event of their arrest by the respondent police concerned in Crime No.30 of 2025 on the file of the respondent on such terms and conditions



For Petitioner(s): Mr. R.Parthiban

For Respondent(s): Mr.S.Udayakumar,
Govt. Advocate (Crl. Side)

ORDER

The petitioners, who apprehend arrest in the hands of respondent police for the alleged offence under Sections 5(i), 5(j)(ii) of Protection of Child from Sexual Offences Act, 2012 and Sec.6,9, 10 of Protection of Child Marriage Act, 2006 in Crime No.30 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of prosecution is that when the victim girl was aged about 14 years, her parents were approached by the petitioners and their family members with a proposal for marriage and subsequently, the marriage was conducted on 24.07.2022, thereafter, the couple lived together, out of wedlock, a male child was also born on 20.11.2022. Thereafter, when victim returned to her husband's house after visiting her native place, A1 was not willing to live with her. Hence, the complaint was registered by the victim girl against the petitioners.



3. The learned counsel appearing for petitioners submitted that they are innocent persons, they are no way connected with the offence and they have not committed any offence as alleged by the respondent police. He would also submit that they have been falsely implicated in this case and they will abide by any condition that may be imposed by this court. Hence, he prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that they are arrayed as A1 and A4. He would submit that now the victim girl is aged about 18 years and when she was at the age of 14 years, marriage was arranged for her and subsequently, a male child was also born to her, however, now A1 refused to live with her. He would submit that A2 is mother of victim girl, A3 is grandmother of Victim girl. He would also submit that mother-in-law and husband are petitioners herein. He would also submit that if they are released on anticipatory bail, they would hamper the investigation and tamper the witnesses and the investigation is almost completed. However, he would vehemently oppose to grant anticipatory bail to the petitioners.



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5. On seeing the facts, it reveals that when victim girl was at the age of 14 years, marriage was arranged for her by her parents and subsequently, a male child was also born to her, now A1 refused to live with her. A2 is mother of victim girl, A3 is grandmother of Victim girl. Mother-in-law and husband are petitioners herein. Now she is aged about 18 years and there was a matrimonial dispute between the 1st petitioner and victim girl. Considering that and also considering the facts and circumstances and the fact that the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Special Judge for POCSO Court, Chennai**, and they shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each, **one surety must be a blood surety**, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(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 1st petitioner shall report before the respondent police on every Saturday at 10.30 a.m. for the period of three months and the 2nd petitioner shall report before the respondent police as and when required.

(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 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 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 229-A IPC.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

- 1.The Special Court for POCSO Court, Chennai.
- 2.The Inspector of Police, AWPS Royapettai Police Station, Chennai.
- 3.The Public Prosecutor, High Court, Madras



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T.V.THAMILSELVI J.

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