



Cr.OP.No.31879 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2025

CORAM

THE HONOURABLE MR JUSTICE K.RAJASEKAR

CrI.O.P.No.31879 of 2025

Mohammed Arshad

... Petitioner

Vs.

The State Rep by
The Inspector of Police,
Karaikal Town Police Station,
Karaikal District.
(Cr.No.272 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, to enlarge the petitioner on anticipatory bail in
the event of his arrest in Cr.No.272 of 2025 pending on the file of the
respondent police.

For Petitioner : Mr.C.R.Gokulvisvas

For Respondent : Mr.Ramachandra Murthy



WEB COPY



CrI.OP.No.31879 of 2025
Public Prosecutor (Puducherry)

ORDER

The petitioner, who apprehends arrest for the alleged offence under Section 6 of POCSO Act in Cr.No.272 of 2025, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, aged about 18 years, developed contact with the victim while she was studying in college, under the pretext of marriage. He closely moved with her and, taking advantage of her age, took her to his house and committed aggravated penetrative sexual assault, which resulted in pregnancy. Thereafter, she informed her family members, and based on her complaint, the present case was registered. Hence, the present petition.

3. The learned counsel for the petitioner submitted that the petitioner is also aged about 18 years and that it is not a case of aggravated penetrative



sexual assault. According to him, the victim herself induced the petitioner, and they had a consensual relationship. Considering the petitioner's age, he prayed for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and submitted that the FIR has been registered only recently and the investigation is in progress. He further submitted that the statement of the victim girl under Section 183 of the BNS has not yet been recorded. Hence, he opposed the grant of anticipatory bail.

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

6. I have considered the submissions made on both sides and perused the records, including the FIR and connected materials, which reveal that the petitioner is also aged about 18 years and the victim is aged about 18 years



and currently studying in college. It also appears that both were in a relationship for some time. Considering the age of the petitioner, I am inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen (15) days from the date on which the order copy made, before the learned *Special Court for POCSO Act, Karaikal* on condition that the petitioner shall execute a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** with two sureties each for a like sum to the satisfaction learned Magistrate concerned, and on further condition that:

(a) If the petitioner fails to surrender before the concerned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) The sureties shall affix their photographs and left thumb impression in the application for surety ship (Judicial



WEB COPY

Crl.OP.No.31879 of 2025



Form No.46 annexed to 'The Criminal Rules of Practice, 2019]'. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

(c) The petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

(d) *The petitioner shall cooperate fully with the investigation, including submitting himself to any medical examination as and when required by the Investigating Officer;*

(e) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]*;

(f) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.



CrI.OP.No.31879 of 2025



21.11.2025

Vv

WEB COPY

To

1. The Special Court for POCSO Act, Karaikal
2. The Inspector of Police,
Karaikal Town Police Station,
Karaikal District.
3. The Public Prosecutor
High Court of Madras,
Chennai 600 104.



WEB COPY

Crl.OP.No.31879 of 2025



K.RAJASEKAR, J.

Vv

Crl.O.P.No.31879 of 2025



WEB COPY

CrI.OP.No.31879 of 2025



21.11.2025