



CRL OP(MD). No.2072 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/01/2025

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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Bharathi

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Pathamadaai Police Station,
Tirunelveli District.
(Crime No. 276 of 2024).

... Respondent/Complainant

For Petitioner : Mr C.Saravanakumar, Advocate

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No. 276 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial



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custody on 06.01.2025 for the offences under Sections 5(I) punishable under Section 6 of POCSO Act and Section 9 of Prohibition of Child Marriage Act, 2006 in Crime No.276 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim girl was only 14 years old and the petitioner is said to have lured the victim girl and forcibly married her and had committed penetrative sexual assault.

3. Heard the learned Counsel appearing on either side.

4. This Court had the advantage of going through the statement recorded from the victim girl under Section 183(5) of BNSS. It is clear that there was a love affair between the petitioner and the victim girl and the parents and relatives of the victim girl were not in favour of this relationship. They started looking for a boy to get the victim girl married. As a result of which, the victim girl called the petitioner and both of them eloped and started living together after marrying in a temple.

5. Taking into consideration the facts and circumstances of the case and considering the fact that there was a love affair between the petitioner and the victim



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girl and also considering the age of the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6. Accordingly, the criminal original petition is ordered and the petitioner is ordered to be released on bail on executing 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 Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli, and on further conditions 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 petitioner shall report before the respondent police as and when required for interrogation.

[c] the petitioner shall appear before the trial Court during every hearing date without fail.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.



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[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the 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)AIR SCW 5560]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS 2023.

sd/-
31/01/2025

/ TRUE COPY /

31/01/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR
TO
1 THE SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI.

2 THE INSPECTOR OF POLICE,
PATHAMADAI POLICE STATION,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.



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4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.2072 of 2025
Date :31/01/2025

SS/SAR- /31/01/2025/ 5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023