



CRL OP(MD). No.2717 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2717 of 2025

1.S.Mohamed Ibrahim
2.U.Saleem Badhusha
3.S.Mumthaj Begam

... Petitioners/ Accused Nos.A1, A3 & A4

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
All Women Police Station,
Madurai Town,
Madurai.
Crime No.4 of 2025

... Respondent/Complainant

For Petitioners : Mrs.P.Yasmin Begum

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023

PRAYER :-

For Anticipatory Bail in Crime No.4 of 2025 on the file of the respondent-police.



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 10.02.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 9 and 10 of Prohibition of Child Marriage Act, 2006 and Sections 5(l) and 6 of Protection of Children from Sexual Offences Act, 2012 in Crime No.4 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the first petitioner, who is the son of second and third petitioner, married the victim girl aged about 17 years on 14.01.2024 and lived with her for about 5 months. Hence, the case.

4. Mrs.P.Yasmin Begum, learned counsel appearing for the petitioners submits that the petitioners did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. She however submits that the petitioners are ready to abide by any conditions to be imposed by this Court. Hence, she prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that the first petitioner married the



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minor victim girl and other accused persons solemnized the marriage between them.

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Therefore, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. The petitioner has permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same and considering the nature of offences alleged against the petitioner, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions:

(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judge, Special Court for Exclusive Trial of POCSO Act Cases, Madurai, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judge, Special Court for Exclusive Trial of POCSO Act Cases, Madurai;

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioners shall make themselves available for interrogation by a



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police officer as and when required;

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(iv) The petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(v) The petitioners shall not leave India without the previous permission of the Court;

(vi) Thereafter, the petitioners shall appear and sign before the respondent-Police daily at 10.00 a.m. until further orders;

(vii) The petitioners shall furnish their residential address and mobile number to the learned Judge, Special Court for Exclusive Trial of POCSO Act Cases, Madurai;

(viii) The petitioners shall not enter into the defacto complainant's house, school / college or workplace;

(ix) The petitioners shall not try to contact the defacto complainant either directly or through any electronic mode;

(x) The petitioners shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence; and

(xi) On breach of any of the aforementioned conditions, concerned Magistrate, or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed



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by them as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala
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[(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
14/03/2025

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/04/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MBI
TO

1 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MADURAI TOWN,
MADURAI.

2 THE JUDGE
SPECIAL COURT FOR EXCLUSIVE TRIAL OF POSCO ACT CASES,
MADURAI.

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

+1 CC to M/s.P.YASMIN BEGUM, Advocate (SR-2846[I] dated 14/03/2025)

ORDER
IN

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Date :14/03/2025

HPS/SAR / 02.04.2025/5P/5C

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