



CRL OP (MD) No.3745 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Pandidurai

... Petitioner/ Accused No.3

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Thirumayam All Women Police Station,
Pudukottai District.
Crime No.187/2024.

... Respondent/Complainant

For Petitioner : Mr.P. Muthusamy
Advocate.

For Respondent : Mr.S.S. Manoj,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :- For Anticipatory Bail in Crime No.187 of 2024 on the file of the Respondent-Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 25.02.2025

<https://www.mhc.tn.gov.in/judis> under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to



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grant an order of pre-arrest bail.

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2. The petitioner /Accused No.3 apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 5(l), 5(j)(ii), 6(1), 17 of POCSO Amendment Act, 2019 and Section 9 of Prohibition of Child Marriage Act, 2006, in Crime No.187 of 2024 on the file of the respondent-police.

3. The case for the prosecution is that on 07.12.2024, the daughter of the defacto complainant went missing from the house, and the defacto complainant lodged a complaint before the respondent-police on 14.12.2024. Based on the same, a case was registered as a 'Girl Missing' case. After that, on 08.01.2025, the victim girl was secured by the respondent-police along with A1 near Othakadai when they came to this Court to file a petition for safety from her father, the defacto complainant, and her mother. During the investigation, it was revealed that the victim girl and A1 were in love, and A1 had tied a 'thali' on the victim girl on 24.09.2024. They had a physical relationship multiple times, and the victim girl became pregnant. On the particular day in question, the victim girl eloped with A1 with the help of other accused persons, including the present petitioner/A3. Thereafter, the case was altered into Sections 5(l), 5(j)(ii), 6(1), and 17 of the POCSO Amendment Act and Section 9 of the Prohibition of Child Marriage Act.

4. Mr.P.Muthusamy, the learned counsel for the petitioner, submits that the



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petitioner is an innocent person and he has been falsely implicated in this case. He further submits that the petitioner is only a relative of A1 and has not committed any offence as alleged by the prosecution. However, he submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that due to a love affair, A1 eloped with the victim girl, who was about 17½ years old, with the help of other accused persons, including the present petitioner/A3. He further submits that the investigation of the case is pending, and therefore, at this stage, if pre-arrest bail is granted to the petitioner, he may cause threat to the defacto complainant and his family members. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records including the First Information Report and the statement of the victim girl recorded under Section 183 of BNS, 2023.

7. The victim girl was born on 23.12.2006. The only allegation against the present petitioner/A3 is that A1 eloped with the victim girl, who was about 17½ years old, with the support of the petitioner/A3 and others. In view of the offence alleged against the petitioner, this Court is of the opinion that custodial interrogation



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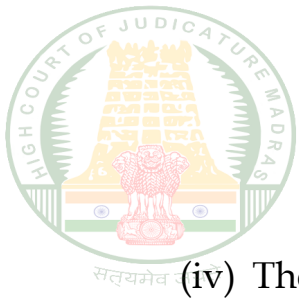
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of the petitioner is not necessary in this case. Further, the petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case and taking note of the fact that the petitioner is only a relative of A1, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions.

(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Sessions Judge, Mahila Court, Pudukkottai, within a period of 15 days from 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) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Sessions Judge, Mahila Court, Pudukkottai.

(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 Sessions Judge, Mahila Court, Pudukkottai shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the respondent-police weekly twice i.e., on every Monday and Friday at 10.30 am until further orders;



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(iv) The petitioner shall make himself available for interrogation by a police officer as and when required.

(v) The petitioner 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.

(vi) The petitioner shall not leave India without the previous permission of the Court.

(vii) The petitioner shall not enter into the defacto complainant's house or his work place.

(viii) The petitioner shall furnish his residential address and mobile number to the learned Sessions Judge, Mahila Court, Pudukkottai.

(ix) The petitioner shall not directly or indirectly cause threat to the defacto complainant and his family members and tamper with the evidence.

(x) On breach of any of the aforementioned conditions, the learned Sessions Judge, Mahila Court, Pudukkottai or Trial Court, as the case may be, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].



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

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/03/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO
1 THE SESSIONS JUDGE,
MAHILA COURT, PUDUKKOTTAI.

2 THE INSPECTOR OF POLICE,
THIRUMAYAM ALL WOMEN POLICE STATION, PUDUKOTTAI DISTRICT.

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

+1 cc to Mr.P.MUTHUSAMY, Advocate, SR.No.13274 (F) DT.28/02/2025

ORDER IN
CRL OP(MD) No.3745 of 2025
Date :27/02/2025

SA/SKN/SAR. /12.03.2025/6P/5C

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