



CRL.OP(MD). No.4895 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.4895 of 2025

Karuppu Raja

... Petitioner / Sole Accused

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
(Crime No.4 of 2025)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioner in Crime No.4 of 2025 on the file of the respondent police.

For Petitioner : Mr.M.S.Jeyakarthik,
Advocate

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

ORDER : The Court made the following order :-
<https://www.mhc.tn.gov.in/jdis>



CRL.OP(MD). No.4895 of 2025

WEB COPY

This Criminal Original Petition has been filed by the petitioner on 13.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent- police for the offences punishable under Sections Girl Missing @ Sections 5(1) read with 6 of Protection of Children from Sexual Offences Act, 2012, and Section 9 of the Prohibition of Child Marriage Act, in Crime No.4 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant is the mother of the victim girl, aged about 17 years, who is a first-year B.Tech student. On 06.01.2025, at about 8:00 a.m., the victim was sent to her college by the college bus; however, she did not return home thereafter. Based on these allegations, the defacto complainant lodged a complaint before the respondent police. Consequently, an FIR was registered in Crime No.4 of 2025. Subsequently, the defacto complainant filed a petition in H.C.P.[MD] No. 91 of 2025 before this Court seeking the production of the victim girl. The victim was later secured and handed over to the defacto complainant. Thereafter, the FIR was altered from a case of 'girl missing' to offences



CRL.OP(MD). No.4895 of 2025

under Section 5(1) read with Section 6 of the POCSO Act and Section 9 of the
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Prohibition of Child Marriage Act.

4. Mr.M.S.Jeyakarthik, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against the petitioner. He further submits that this is a case of love affair. He further submits that the petitioner completed ITI in Government institute and he is an only bread winner of his family. Due to the registration of FIR, the petitioner and his family members are facing huge mental agony and hardship. He however submits that the petitioner is ready to abide by any conditions to 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 the victim was now secured and handed over to the defacto complainant. He further submits that the petitioner and the victim had love affair. Therefore, he contends that, if the petitioner is granted pre-arrest bail, he will cause threat to the defacto complainant and the victim girl. Accordingly, he prays to dismiss this Criminal Original Petition.



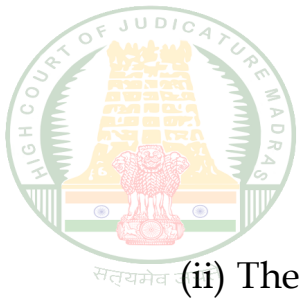
CRL.OP(MD). No.4895 of 2025

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6. Heard on both sides. This Court has perused the records including the statement recorded from the victim girl under Section 183(5) of BNSS, 2023.

7. In view of the offence alleged against the petitioner, this Court is of the view that custodial interrogation of the petitioner may not necessary in this case. The petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility for absconding. Considering the above and also considering the facts and circumstances of the case and also taking note of the fact that there are no previous cases against the petitioner and with a view to give an opportunity to the petitioner to reform himself, 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 Judicial Magistrate, Paramakudi, 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.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate, Paramakudi.



CRL.OP(MD). No.4895 of 2025

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(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, Paramakudi shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the learned Judicial Magistrate, Paramakudi weekly twice i.e., on every Monday and Friday at 10.30 a.m. until further orders.

(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, directly or indirectly, cause any threat to the defacto complainant, the victim girl and witnesses and shall not tamper the evidence.



CRL.OP(MD). No.4895 of 2025

WEB COPY

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

(viii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Paramakudi.

(ix) The petitioner shall not enter the house or school of the victim girl, and shall not try to contact her either directly or indirectly, or through any other mode.

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Paramakudi 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].



CRL.OP(MD). No.4895 of 2025

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

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/05/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

- 1.THE JUDICIAL MAGISTRATE,
PARAMAKUDI.
2. THE CHIEF JUDICIAL MAGISTRATE,
PARAMAKUDI.
- 3.THE INSPECTOR OF POLICE,
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-4534[I] dated 22/04/2025)



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CRL.OP(MD). No.4895 of 2025

ORDER

IN

CRL OP(MD) No.4895 of 2025

Date :21/04/2025

VN/09.05 .2025 8P/6C

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