



CRL OP(MD). No.5356 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 24/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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M.Asaraf Ali

... Petitioner/ Accused

Vs

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

... Respondent/Complainant

For Petitioner : Mr. A. Jainulabudheen
Advocate

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

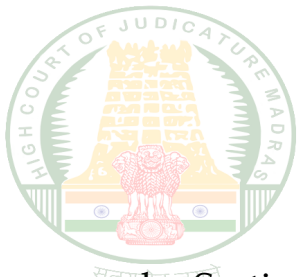
PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.4 of 2025 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 20.03.2025



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under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

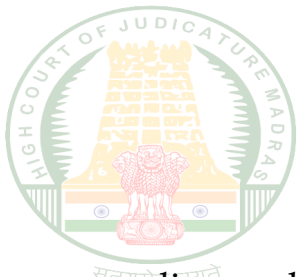
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2. The petitioner / accused apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 9 and 10 of Prohibition of Child Marriage Act and Sections 5(1) and 6 of Protection of Child from Sexual Offences Act, 2012 in Crime No.4 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant is 17 years old minor girl, was married to A1 without her consent. The petitioner herein who is the father of defacto complainant along with other accused persons performed the marriage. Hence, the case.

4. Mr.A. Jainulabudheen, 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 he has been falsely implicated in this case. 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, M.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that co-accused already been granted pre-arrest bail by this Court in CrI.O.P(MD).No.2717 of 2025 vide order, dated 14.03.2025. He further submits that the investigation of the case is still



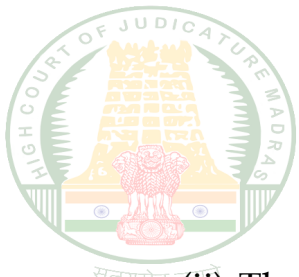
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pending and therefore, at this stage, if pre-arrest bail is granted to the petitioner, he may cause threat to the defacto complainant and witnesses. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. Considering the fact that the petitioner has no bad antecedents and has permanent residence and deep roots in the society. Therefore, there is less possibility for absconding. This Court has perused the First Information Report as well as the statement of the victim girl recorded under Section 183 of BNSS, 2023. In view of the nature of offence allegedly committed by the petitioner and that the petitioner herein is the father of the victim girl and also considering the fact that the co-accused have already been released on bail, 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 Special District Court (POCSO 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.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 Special District Court (POCSO Cases), Madurai.



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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 Special District Court (POCSO Cases), Madurai, shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before respondent – Police weekly twice i.e., on every Monday and Friday at 10.00 am until further orders.

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

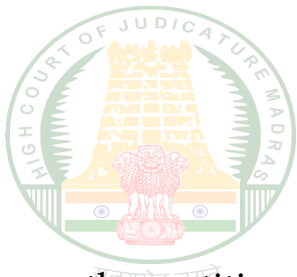
(v) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

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

(vii) The petitioner shall not directly or indirectly cause any threat to the defacto complainant and the witnesses and shall also not tamper with the evidence.

(viii) The petitioner shall furnish his residential address and mobile number to the learned Special District Court (POCSO Cases), Madurai.

(ix) On breach of any of the aforementioned conditions, the learned Special District Court (POCSO Cases), Madurai is entitled to pass appropriate orders against



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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].

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

sd/-
24/03/2025

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

TRP
TO

- 1.THE LEARNED SPECIAL DISTRICT COURT (POCSO CASES), MADURAI.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3.THE INSPECTOR OF POLICE, ALL WOMEN
POLICE STATION, MADURAI TOWN, MADURAI.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.5356 of 2025
Date :24/03/2025

PR/SAR/ (21/04/2025) 5P / 5C
Madurai Bench of Madras High Court is issuing certified copies in this format from
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