



CRL OP(MD). No.7674 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1.Vasanthi

2.Pandi

3.Tamizharasan

... Petitioners/ Accused Nos.3, 4 & 7

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
All Women Police Station,
Nilakottai,
Dindigul District.
Crime No.6 of 2025

... Respondent/Complainant

For Petitioners : Mrs.A.Aruljenifer

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.6 of 2025 on the file of the respondent-police.

<https://www.mhc.tn.gov.in/judis/>



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ORDER: The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioners on 23.04.2025 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 11 of Tamil Nadu Prohibition of Child Marriage Act, 2006 and Sections 5(1), 6 and 17 of Protection of Children from Sexual Offences Act, 2012, in Crime No.6 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that marriage between the minor victim girl and A1 was solemnized on 21.04.2023 in front of Murugan Temple in the presence of the victim girl's mother, step father and other accused persons. Further, on enquiry, it revealed that after marriage A1 had physical relationship with the minor victim girl. Hence, the case.

4. Mrs.A.Aruljenifer, learned counsel appearing for the petitioners submits that the petitioners did not commit any offence as alleged by the prosecution and a false case has been foisted against them. She further submits that the victim girls is



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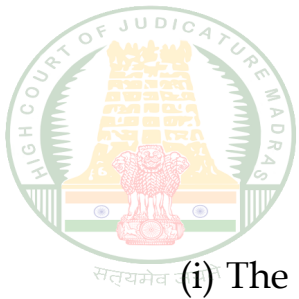
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now under the custody of her grandmother. She however submits that the petitioners are ready to abide by any conditions to be imposed by this Court. Hence, she prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that the minor victim girl was 14 years old at the time of marriage and now, she is 16 years old. He further submits that in this case, A1 was arrested. Considering the nature of offence allegedly committed by the petitioners, he prays to dismiss this Criminal Original Petition.

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

7. It is stated that A1 was arrested and the minor victim girls is now under the custody of her grandmother. Considering the facts and circumstance of this case, this Court is of the opinion that the custodial interrogation of the petitioners is not necessary in this case. Hence, with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions:



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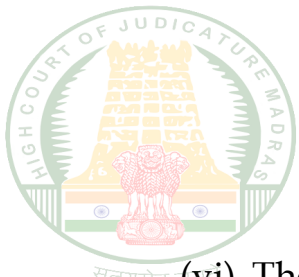
(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judge, Special Court for exclusive trial of POCSO Act Cases, Dindigul, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judge, Special Court for exclusive trial of POCSO Act Cases, Dindigul;

(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 police officer as and when required;

(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;



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(vi) Thereafter, the petitioners shall appear and sign before the respondent-Police daily at 09.00 a.m. and 05.00 p.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, Dindigul;

(viii) 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 by them 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*.

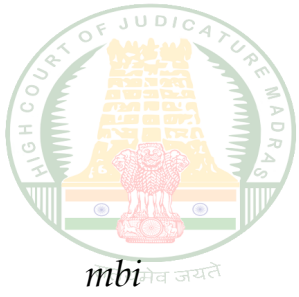
Sd/-

25/04/2025

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



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TO

1.The Judge,
Special Court for exclusive trial of POCSO Act Cases,
Dindigul.

2.The Inspector of Police,
All Women Police Station,
Nilakottai, Dindigul District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.A.ARUL JENIFER, Advocate (SR-4891[I] dated 28/04/2025)

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Date : 25.04.2025

KVL/26.05.2025 6P/5C

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