



CRL OP(MD). No.11635 of 2025

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

Date : 06.08.2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

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Harirajan

..Petitioner/Sole Accused

Vs

State of Tamil Nadu
Rep by the Inspector of Police,
Periyakulam Police Station,
Theni District.
(Crime No.97 of 2025)

... Respondent/Complainant

For Petitioner : Mr.RM.Arun Swaminathan
Advocate.

For Respondent : Mr.M.Karunanithi
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.97 of 2025 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / Accused, was arrested and remanded to judicial custody on



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27.05.2025. Initially the case was registered as Girl Missing thereafter it was altered under Section 87 of BNS Act (corresponding Section 366 of IPC) and under Section 5 (1) r/w 6 of POCSO Act and Section 9 of Child Marriage Act, in Crime No.97 of 2025 on the file of the respondent police. Hence, he seeks bail.

2. The case of the prosecution is that there was a love affair between the petitioner and the victim girl who is aged about 15 years. Further, the petitioner falsely promised to marry the victim girl and committed penetrative sexual assault on the victim girl. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he is college student at Devangar Polytechnic College, Periyakulam. He would further submit that the petitioner and the victim girl got married at Sivan Temple at Kallipatti and left from the village. He further submitted that there is no previous case pending against the petitioner. He would further submit that the petitioner is in judicial custody from 27.05.2025. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner is aged about 22 and the victim girl is aged about 15 years. Further, he



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submit that the petitioner had kidnapped the victim girl and committed penetrative sexual assault on her. He would further submit that there is no previous case pending against the petitioner and the investigation is almost completed. However, he objected to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also the fact that it is a case of love affair and elopement and the petitioner was arrested on 27.05.2025 and also considering the statement under Section 183 of BNSS has been recorded from the victim girl and the investigation has been almost completed and also consideration the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate Court, Periyakulam, and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



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[b] The petitioner shall furnish his residential address and mobile number to the Judicial Magistrate Court, Periyakulam.

(c) If the petitioner changes his residential address, he shall report the same to the Judicial Magistrate Court, Periyakulam.

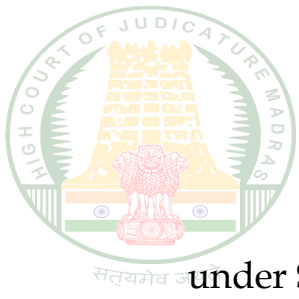
[d] the petitioner shall report before the respondent police daily at 06.00 p.m., until further orders.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[h] If the accused thereafter absconds, a fresh FIR can be registered



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under Section 269 BNS.
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Sub-Assistant Registrar (C.S.-I/ II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

msrm

To

1. The Judicial Magistrate Court, Periyakulam.
2. Do through the Chief Judicial Magistrate,
Theni.
3. The Officer Incharge, Sub Jail,
Periyakulam.
4. The Inspector of Police,
Periyakulam Police Station,
Theni District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN

CRL OP(MD) No.11635 of 2025
Date :06/08/2025

PS/SAR.07.08.2025 5P/6C

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