



CRL OP(MD). No.20356 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/11/2025

PRESENT

The HONOURABLE MRS. JUSTICE S.SRIMATHY

CRL OP(MD). No.20356 of 2025

1. Packiyaraj
2. Divya

... Petitioners/Accused

Vs

The State of Tamilnadu rep by
The Inspector of Police,
All Women Police Station,
Dindigul District.
In Crime No.6 of 2025.

... Respondent/Complainant

For Petitioners : M/s.C.Ezhilarasu,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

To enlarge the petitioners on bail in the event of their arrest in connection with a case in Spl.S.C.No.98 of 2025 on the file of the



CRL OP(MD). No.20356 of 2025

Special Court for Exclusive Trial of Cases, Dindigul.

WEB COPY

ORDER : The Court made the following order :-

The petitioners/accused who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 9, 10 of Prohibition of Child Marriage Act, 2006, and Sections 5 (1), 5(j) (ii), 6 (1) of POCSO Act, in Crime No. 6 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the marriage solemnized between the first petitioner and the victim on 26.10.2007, who was a minor. Thereafter, the first petitioner had sexual relationship with the victim and she got pregnant. Hence, the complaint.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that the petitioners have filed a quash petition in Crl.O.P.(MD)No.19435 of 2025. Hence, he prays for grant of anticipatory bail to the petitioners.



CRL OP(MD). No.20356 of 2025

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police submits that the first petitioner married the victim, who was a minor and had sexual relationship with her. He further submits that the victim delivered a child.

5. Taking into consideration of the facts and circumstances of the case, that the petitioners have filed a quash petition in Crl.O.P.(MD)No. 19435 of 2025 and also considering the fact that the victim has delivered a child, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Court for Exclusive Trial of Cases, Dindigul, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:



CRL OP(MD). No.20356 of 2025

WEB COPY

(a) the petitioners and 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;

(b) the petitioners shall report before the respondent police as and when required for investigation;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) 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 petitioners 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]*; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 269 of BNS 2023.

(S S Y J)
17.11.2025

jbr



CRL OP(MD). No.20356 of 2025

WEB COPY

TO

1. The Special Judge, Exclusive Trial of Cases,
Dindigul.
2. The Inspector of Police,
All Women Police Station,
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



CRL OP(MD). No.20356 of 2025

S.SRIMATHY,J

jbr

ORDER
IN
CRL OP(MD) No.20356 of 2025

Date : 17/11/2025