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Crl.O.P.No.732 c



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2026

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THE HONOURABLE Mr. JUSTICE K. RAJASEKAR

Crl.O.P.No.732 of 2026

S.Paranitharan

... Petitioner

Vs.

The Inspector of Police,
Nallur Police Station,
Tiruppur.
(Crime No.709 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, to enlarge the petitioner on bail in event of arrest pending investigation in Crime No.709 of 2024 on the file of the respondent police.

For Petitioner : Mr.Venkateswaran Kanniappan
For Respondent : Ms.J.R.Archana,
Government Advocate (Crl.Side)

ORDER

The petitioner apprehends arrest for the alleged offence **under Sections 75(1)(ii) and 137 of BNS, 2023 and Section 5(1), 5(n), 5(j)(ii) and 6(1) of the Protection of Child from Sexual Offences Act, 2012 and Section 9 of the Prohibition of the Child Marriage Act, 2006 in Crime No.709 of 2024** on the file of the respondent police seeks anticipatory bail.

2. The allegation against the petitioner is that the petitioner is aged



about 21 years, alleged to have kidnapped the victim girl, who was aged about 17 years and had committed penetrative sexual assault with her and also married her and subsequently, the victim had delivered a girl child. Hence, a complaint has been lodged.

3. The learned counsel for the petitioner submitted that now the petitioner has taken care of the victim and the child and that it is only a case of consensual relationship and it is not a case of penetrative sexual assault. He further submitted that the petitioner is ready to abide by any conditions that may be imposed by this Court and ready to co-operate with the investigation. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and, upon instructions, submitted that the victim girl is only aged about 17 years and she was subjected to aggravated penetrative sexual assault due to which, she became pregnant. Hence, she vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by the learned counsel on both sides; and the nature of allegations levelled against the petitioner; and to investigate the case of this nature, no custodial interrogation is necessary, hence, I am inclined to grant



anticipatory bail to the petitioner, subject to certain conditions.

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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **learned Judicial Magistrate, Additional Mahila Court, Tiruppur**, on condition that **the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only)**, with **two sureties each**, for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:

(a) If the petitioner fails to surrender before the concerned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(c) The sureties shall affix their photographs and left thumb impression in the application for surety ship (Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

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(d) The petitioner shall report before the respondent Police everyday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation. It is also made clear that the petitioner shall co-operate for medical examinations, if any to be conducted by the respondent police;

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

(f) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

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To

- 1.The Judicial Magistrate, Additional Mahila Court, Tiruppur.
- 2.The Inspector of Police, Nallur Police Station, Tiruppur.
- 3.The Public Prosecutor, High Court of Madras.

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