



Crl.O.P.No.6001 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2026

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

Crl.O.P.No.6001 of 2026

1.Muthukrishnan
2.Ezhumalai
3.Muthuammal
4.Muthusamy

... Petitioners

Vs.

The State,
Rep by the Inspector of Police,
Rishivandiyam Police Station,
Kallakurichi District.
(Crime No.153 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event of arrest pending investigation in Crime No.153 of 2025 on the file of the respondent police.

For Petitioners : Mr.Venkatesh.M
For Respondent : Mr.P.Dhileepan
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehend arrest for the alleged offence **under Sections 194(3) of Bharatiya Nagarik Suraksha Sanhita, 2023 altered as Section 194(3) of Bharatiya Nagarik Suraksha Sanhita, 2023 read with Section 5(n), 5(l), 17, 6 of POCSO Act and 9, 10 of Prohibition of Child Marriage Act, in Crime No.153 of 2025**, on the file of the respondent police



seek anticipatory bail.

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2.The allegation against the petitioners is that the first petitioner/Muthukrishnan is aged about 37 years and he along with other accused, forced the victim child aged about 17 years and forcibly married her, and also the first petitioner committed aggravated penetrative sexual assault and, unable to bear the harassment, the victim left the first petitioner house and returned back to her mother's house. However, the first petitioner went there and threatened her with dire consequences. Unable to bear the same, the victim girl consumed pesticides and died. Hence, a case has been registered.

3. The learned counsel for the petitioners submitted that the second and third petitioners are the father and mother of the first petitioner and the fourth petitioner is the brother of the first petitioner and that they have nothing to do with the alleged occurrence. It is the further submission that though the incident took place on 06.04.2022 the First Information Report was registered on 06.07.2025, and at this length of time there are no requirement for custodial interrogation of the petitioners. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the



respondent police reiterated the prosecution case and, upon instructions, submitted that the marriage of the victim girl with the first petitioner took place in the year 2022 and that the victim girl lived along with the first petitioner for a period of one month and thereafter, she left the matrimonial home and in the year 2025, she consumed pesticides and died on 11.07.2025. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent.

6. From the submission made by the learned Government Advocate (Crl.Side) this is the case of POCSO Act as well as Child Protection Act. Though the submissions of the Government Advocate (Crl.Side) is acceptable against the first petitioner, for the custodial interrogation of the first petitioner, the others who are the relative of the first petitioner, against whom there is a charge of arranging marriage of child with the first petitioner. In such view of the position and taking into consideration of the occurrence of the year 2022, and the registration of FIR after the death of victim in the month of July 2025, this Court is of the view that there may not be any custodial interrogation of the second, third and fourth petitioners is required at this length of time. Hence, this



Court is inclined to enlarge the second, third and fourth petitioners on anticipatory bail subject to certain conditions and this Court is not inclined to enlarge the first petitioner on anticipatory bail.

7. Accordingly, this Criminal Original Petition stands dismissed as against the first petitioner is concerned.

8. Accordingly, the petitioners 2, 3 and 4 are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before **the learned Principal District and Sessions Judge, Kallakurichi**, on condition that **the petitioners 2, 3 & 4 shall execute a separate bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) each, with two sureties each** for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:

(a) If the petitioners 2, 3 & 4 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;

(b) 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']'.



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The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

(c) The petitioners 2, 3 & 4 shall sign before the respondent police twice a day at 10.30 a.m., and 5.30 p.m., for a period of eight weeks and thereafter, as and when required for interrogation;

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioners 2, 3 & 4 in accordance with law as if the conditions have been imposed and the petitioners 2, 3 & 4 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];***

(e) If the petitioners 2, 3 & 4 thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

09.03.2026

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C.KUMARAPPAN, J.

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To:

1.The Principal District and Sessions Judge,
Kallakurichi.

2.The Inspector of Police,
Rishivandiyam Police Station,
Kallakurichi District.

3.The Public Prosecutor,

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High Court of Madras.

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