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CRL.OP.No.7951 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-03-2026

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THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL.OP.No.7951 of 2026

Kumar

...Petitioner

Vs

The State rep by its
The Inspector of Police
All Women Police Station
Denkanikottai
Krishnagiri District.
(Crime No.6 of 2026)

...Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, to grant anticipatory bail to the petitioner/accused in the event of arrest in Crime No.6 of 2026 pending on the file of the respondent police.

For Petitioner(s):

Mr.Krishnasamy Chinnasamy

For Respondent(s):

Mr.P.Dhileepan,
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest for the alleged offence **under Section 9 of the Prohibition of Child Marriage Act and 5(1), 5(j)(ii), 6(1) of Protection of Child from Sexual Offences Act, 2012**, in **Crime No.6 of 2026**, on the file of the respondent police seeks anticipatory bail.



2. The allegation against the petitioner is that the petitioner/accused is in love affair with the victim girl and due to pregnancy the victim approached Government Hospital. From the hospital, it has been intimated that a minor child, who is 17 years old admitted in hospital due to pregnancy. Hence, the case has been registered.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the victim is the wife of petitioner and that the marriage was a love marriage and their marriage was solemnized on 08.06.2024, out of their wedlock, the petitioner conceived and gave birth to a baby and therefore, there is no forcible sexual assault against the victim and the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. At this juncture, the learned Government Advocate (Crl.Side) appearing for the respondent police would submit that though the respondent taken initiative to examine the witness under Section 183 of BNSS Act, she is not cooperating and has also filed a copy of FIR. While reading the copy of the FIR this Court could not find any sexual assault by the petitioner against the victim girl. However, he opposed to grant anticipatory bail to the petitioner.



5. I have given my anxious consideration to the submissions made by the learned counsel on either side and perused the materials available on record.

6. Taking into consideration of totality of circumstances and the adolescent relationship and the fact that the petitioner and respondent is living as a husband and wife, this Court is inclined to enlarge him on anticipatory bail, subject to certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **learned Fast Track Mahila Court, Krishnagiri**, 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 learned 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']. The



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

(c) The petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of one week 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 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]*;

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

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To
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- 1.The Fast Track Mahila Court, Krishnagiri.
2. The Public Prosecutor,
High Court, Madras.
- 3.The Inspector of Police
All Women Police Station
Denkanikottai District.
(Crime No.6 of 2026)



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C.KUMARAPPAN, J.

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