



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2026

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 10378 of 2026

Ezhumalai

Petitioner

Vs

The State Rep. by,
The Inspector of Police
Keezhkuppam Police Station,
Chinna salem, Kallakuruchi District.
Kallakuruchi.
(Crime No. 71 of 2026)

Respondent(s)

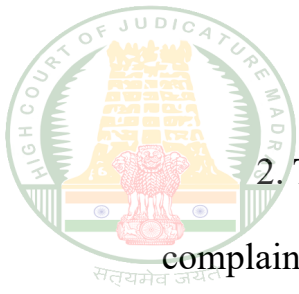
PRAYER This Criminal Original Petition filed under Section 428 of B.N.S.S., to enlarge the petitioner on Anticipatory bail in the event of his arrest in Crime No. 71 of 2026 pending investigation on the file of the respondent Police.

For Petitioner: Mr.M.Kalaiyaran

For Respondent: Mr.P.Dhileepan,
Government Advocate (Crl Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 5(i), 5(J)(ii) and 6 of POCSO Act r/w. Section 9 of Prohibition of Child Marriage Act, in Crime No.71 of 2026, seeks anticipatory bail.



2. The case of the prosecution is that the petitioner and the de facto complainant were in adolescent relationship and they got married. The de facto complainant became pregnant and begotten a male baby on 15.04.2026 at Kallakurichi. On knowing about the admission of the de facto complainant in the hospital and on getting instruction, the present FIR came to be registered.

3. The learned counsel appearing for the petitioner submitted that the allegations are false; and that in any case, custodial interrogation is not required and sought for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and, on instructions, submitted that the accused and the defacto complainant were in a consensual relationship; that the defacto complainant is a minor girl and only on getting instructions from the de facto complainant, the present FIR came to be registered.

5. While looking into the FIR, there are no serious allegations stated except the age of the de facto complainant and the petitioner is also aged 22 years. Considering the factual position of the case, this Court is of the view that custodial interrogation of the petitioner is not required for the purpose of investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



6. Accordingly, this Criminal Original Petition is ordered. 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 **District Munsif cum Judicial Magistrate, Chinna Salem**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 Inspector of Police, Keezhkuppam Police Station, Chinna salem, Kallakuruchi District. Kallakuruchi, twice a day at 10.30 a.m. and 05.30 p.m. for a period of 30 days and thereafter as and when required for interrogation;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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

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[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 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]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

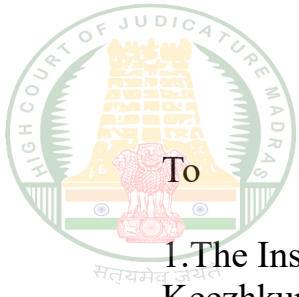
24-04-2026

vum

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No



To

1. The Inspector of Police
Keezhkuppam Police Station, Chinna
salem, Kallakuruchi District.
Kallakuruchi.

2. The Public Prosecutor,
Madras High Court,
Chennai.

3. The District Munsif cum Judicial Magistrate,
Chinna Salem



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C.KUMARAPPAN J.

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