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CRL OP No. 13782 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 13782 of 2026

Suresh

..Petitioner

Vs

The State Rep. by,
The Inspector of Police,
All Women Police Station,
Gudiyatham, Vellore District.
(Crime No.10 of 2026)

..Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on Anticipatory bail in the event of his arrest in Crime No.10 of 2026 pending investigation on file of the respondent police.

For Petitioner: Mr.M.Kalaiyaran

For Respondent: Ms.R.S.Indira
Government Advocate (Crl.Side)

ORDER

The petitioner apprehends arrest for the alleged offence under Sections 87, 64(2)(m) of Bharatiya Nyaya Sanhita, 2023, 5(I), 5(j)(ii), 6 of POCSO Act and 9 of the Prohibition of Child Marriage Act, in Crime No.10 of 2026 on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant, working as a supervisor at the District Child Welfare Help Centre, Vellore, filed a



complaint on 07.04.2026, stating they received secret information via the helpline that the petitioner had married a minor girl, aged about 17 years, due to a love affair and continuously had sexual intercourse with her against her will, resulting in her being four months pregnant. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner was in a relationship with the victim and that they had secretly married. During their marriage, the victim became pregnant. Only at that point of time, the family came to know about the situation and therefore, when the victim underwent a medical checkup, the District Child Welfare Officer filed the present complaint upon the doctor's instruction. Hence, he prayed for the grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner had married a minor girl, aged about 17 years, due to a love affair and continuously had sexual intercourse with her against her will, resulting in her being four months pregnant. Hence, he opposed to grant anticipatory bail to the petitioner.

5. I have given anxious consideration to the submissions made by the learned counsel on either side.

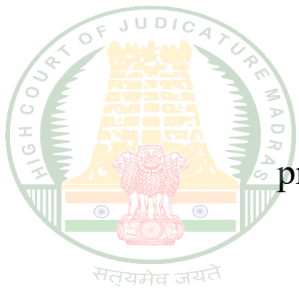


6. Considering the facts and circumstances of the case, that the petitioner is 25 years old and that there are no allegations against him and even according to the averments made by the Child Welfare Officer, it was a case of adolescence where they got married. Therefore, considering the totality of the circumstances and the absence of any serious allegations against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, 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 (15) days from the date on which the order copy is made ready, before the **learned Judicial Magistrate, Gudiyatham**, 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 learned Magistrate shall obtain a copy of any one of identify



proofs to ensure their identity;

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(c) The petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of 15 days 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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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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C.KUMARAPPAN, J.

NSL

To

1. The Inspector of Police,
All Women Police Station,
Gudiyatham, Vellore District.

2. The Public Prosecutor,
High Court of Madras.

3. The Judicial Magistrate, Gudiyatham.

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