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CRL OP No. 18045 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-07-2026

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THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 18045 of 2026

S.Thirumalai

..Petitioner(s)

Vs

The State Rep by
The Inspector of Police
W-20 Women Police Station,
Saidapet,
Chennai-600015.

..Respondent(s)

Prayer:- Criminal Original Petition is filed under Section 483 of BNSS, 2023, pleaded to enlarge the petitioner on bail pending investigation in the above case in SPL.SC.No.197 of 2026 in Crime No.10 of 2026 on the file of the learned Special Court for Exclusive Trial of POCSO Act Cases at Chennai.

For Petitioner(s): Mr.M.Murali

For Respondent(s): Mr.S.Yogaraja Sekar, Government Advocate
(Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.03.2026 for the alleged offences under Sections 5 (j) (ii) r/w 6 of POCSO Act, 2012, in Crime No.10 of 2026 on the file of the respondent police, seeks bail.

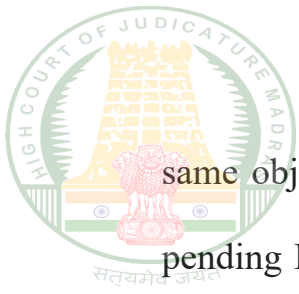


2. The case of the prosecution is that the petitioner is approximately twenty-nine years old and the victim is approximately sixteen years old. It is alleged that the petitioner committed sexual against the sixteen years old minor victim under the pretext of marriage. Hence the case.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and has been in custody since 30.03.2026. He further submitted that the occurrence took place on 14.11.2025 whereas the First Information Report was registered on 22.03.2026. He further submitted that the charge sheet has already been filed and taken on file in Spl.S.C.N.197 of 2026. He further contended that the petitioner was in another relationship and he had nothing to do with the pregnancy of the victim. Hence, he prays to grant bail to the petitioner.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and produced the statement recorded under Section 183 of the BNSS. He further submitted that the DNA report is yet to be received. Hence, he opposed for grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner contended that even when the earlier bail application was dismissed on 08.06.2026, the very



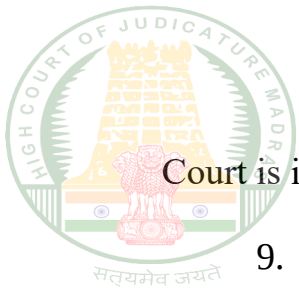
same objection was raised by the learned Government Advocate regarding the pending DNA report. Therefore, no progress was made regarding DNA report.

Further charge sheet was also filed. Hence, he prays to grant bail to the petitioner.

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

7. As rightly contended by the learned counsel for the petitioner, while dismissing the earlier bail application on 08.06.2026, the learned Government Advocate made the very same representation that the DNA Report is yet to be received. As a matter of fact now the charge sheet has already been filed. Therefore, the mere pendency of the DNA report will not have any bearing on the consideration of this bail application. While considering the statement recorded under Section 183 of the BNSS, although it indicates a certain consensual relationship, as rightly contended by the learned Government Advocate, the minor's consent has no relevance.

8. But at the same time, considering the fact that the petitioner has been incarcerated since 30.03.2026, and that for the occurrence took place on 14.11.2025, the First Information Report was registered on 22.03.2026, and that the charge sheet has already been filed, this Court is of the firm view that his further custody is not required for the purpose of investigation. Hence, this



Court is inclined to grant bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties each for a like sum to the satisfaction of the learned **Special Court for Exclusive Trial of POCSO Act cases, Chennai,** and subject to the following conditions:

[a] 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 the identity proofs to ensure their identity;

[b] **the petitioner shall report before the trial Court daily at 10.30 a.m. until further orders;**

[c] the petitioner shall not abscond either during investigation or trial;

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

[e] on breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions had been imposed and the petitioner released on bail by the learned Magistrate/Trial Court itself, as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]***;



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[f] if the petitioner thereafter abscond, a fresh FIR may be registered under Section 269 of the Bharatiya Nyaya Sanhita, 2023.

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Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1.The Special Court For Exclusive Trial of POCSO Act
Cases at Chennai.

2.The Superintendent of Prison,
Central Prison, Puzhal, Chennai.

3.The Inspector of Police
W-20 Women Police Station,
Saidapet,
Chennai-600015.

4.The Public Prosecutor
High Court of Madras.



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C.KUMARAPPAN, J.

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