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Crl.O.P.No.19066 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2026

CORAM

THE HONOURABLE Mr. JUSTICE C.KUMARAPPAN

Crl.O.P.No.19066 of 2026

1.Senthilkumar A.P
2.Nalinimayil

... Petitioners

Vs.

The State rep.by its,
The Inspector of Police,
AWPS Police Station,
Erode District.
(Crime No.24 of 2026)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, praying to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.24 of 2026 pending investigation on the file of the respondent police.

For Petitioners : Mr.K.Govi Ganesan

For Respondent : Mr.N.Palanivel
Government Advocate (Crl.Side)



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ORDER

The petitioners who apprehend arrest for the alleged offence under Sections 9(n) and 10 of POCSO Act, 2012 and Section 351(3) of BNS, 2023, in Crime No.24 of 2026 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners, who are the parents of the victim girl, had sexually assaulted the victim girl, abused in filthy language and threatened her. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners are the parents of the defacto complainant and they have not committed any offence as alleged by the prosecution and that they have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and, submitted a copy of the statement recorded under Section 183(6)(a) of BNSS, 2023, wherein, the

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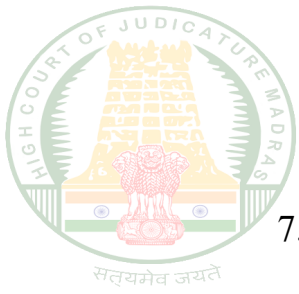


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victim had mentioned about the sexual assault made by her parents. Hence, he opposed the grant of anticipatory bail to the petitioners.

5. At this juncture, the learned counsel appearing for the petitioners submitted that though such a statement has been given by the victim girl, it is all prior to the year 2025 and the victim is now staying along with her maternal aunt for a quite time. Only at her instance, she has made such a statement and there was a property dispute between the first petitioner and his sister. He further submitted that the first petitioner is having lung infection and he has also filed a Medical Certificate along with typed set of papers.

6. Taking into consideration of the relationship of the petitioners with the victim and also the fact that the alleged occurrence said to have happened prior to the year 2025 and that there was a property dispute between the first petitioner and his sister, this Court is of the firm view that the custodial interrogation of the petitioners is not required. Hence, this Court is inclined to enlarge the petitioners on anticipatory bail, subject to certain conditions.



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7. Accordingly, the petitioners 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 **Judicial Magistrate No.III, Erode**, on condition that the **petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 fail 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']. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

(c) **The petitioners shall report before the respondent Police daily at 10.30 a.m., for a period of two 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 in accordance with law as if the



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conditions have been imposed and the petitioners 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 thereafter abscond, a fresh FIR can be registered under Section 269 of BNS Act.

20.07.2026

ssb

To

1.The Judicial Magistrate No.III, Erode.

2.The Inspector of Police,
AWPS Police Station,
Erode District.

3.The Public Prosecutor,
High Court of Madras.



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