



WEB COPY

CRL A No. 1726 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-02-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL A No. 1726 of 2025

and

CrI.M.P.No.21023 of 2025

1. Palanisamy
S/O.Karuppanna Gounder,
Thoppalampatty, Edaiyappatty, Omalur
Taluk, Salem District.

Appellant(s)

Vs

1. The State Rep By The Inspector Of
Police
All women Police Station, Omalur,
Salem District. Crime No.27/2021.

Respondent(s)

For Appellant(s): MR.C.Venkatesan

For Respondent(s): Mr.J.Subbiah Govt.Advocate
(crl.Side)

ORDER

Today, the matter is listed under the caption "for being mentioned" at the instance of the learned counsel for the appellant(s).

2. It is brought to the notice of this Court that some error has been crept in paragraph No.6 of the order dated 10.11.2025. The said paragraph Nos.6 is to be replaced as follows:



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“6.The appellant is ordered to be released on bail on his execution of a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned I Additional Special Judge, Principle Special Court , and on further conditions that:”

3. Registry is directed to incorporate the above paragraph No.6 in the order dated 10.11.2025, and issue fresh order copy to the parties forthwith.

4. In all other respects, the order dated 10.11.2025, in the above Criminal Appeal shall remain unaltered.

13-02-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
rri



To

- 1.The State Rep By
The Inspector Of Police
All women Police Station, Omalur,
Salem District. Crime No.27/2021.
- 2.The Sessions Judge, Principal
POCSO Court, Salem, Salem District.
- 3.The Superintendent,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras, Chennai.



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The Inspector Of Police

All women Police Station, Omalur,

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Respondent(s)

PRAYER

Criminal Appeal filed under Section 415 BNSS 2023, praying to set aside the judgement and conviction made in Special Sessions Case No. 211 of 2022 on the file of Sessions Judge, Principal POCSO Court, Salem, Salem District, dated 11.12.2024 and to acquit the appellant.

For Appellant(s): Mr.C.Venkatesan

For Respondent(s): Mr.V.Meganathan
Government Advocate (crl.Side)

ORDER

The appellant has filed this appeal against the judgement and conviction



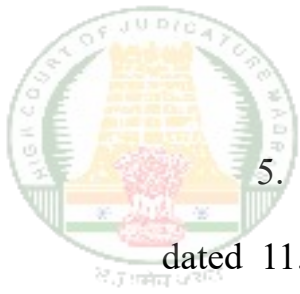
made in Special Sessions Case No. 211 of 2022 passed by the learned Sessions Judge, Principal POCSO Court, Salem, Salem District, dated 11.12.2024.

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2. The learned counsel for the appellant submitted that the appellant has been falsely implicated in this case, as if he had attempted to commit penetrative sexual assault on the victim girl. He has been in custody for more than 2½ years and is willing to abide by any condition imposed by this Court.

3. The learned Government Advocate (Crl.Side) raised strong objections, stating that at the time of the occurrence, the minor victim girl, aged about 10 years, was on her way to school when the accused followed her and attempted to commit sexual assault. On seeing the school helper (aaya), the girl managed to escape. The prosecution has proved the case beyond reasonable doubt, and therefore, the learned counsel strongly objected to the grant of bail.

4. Considering the facts and circumstances of the case, since the appellant has been in custody for about 800 days and is ready to comply with any conditions imposed, and as his family has suffered due to his prolonged incarceration, and the victim girl is presently under the safe custody of her parents, this Court is inclined to consider the bail petition.



5. Accordingly, the order made in Special Sessions Case No.211 of 2022 dated 11.12.2024 passed by the learned Sessions Judge, Principal POCSO Court, Salem, Salem District, is hereby set aside. This Criminal Appeal stands allowed. Consequently, connected miscellaneous petition is closed.

6.The appellant is ordered to be released on bail on his execution of a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, out of which one surety shall be a blood related surety, each for a like sum to the satisfaction of the learned I Additional Special Judge, Principle Special Court , and on further conditions that:

[a] the appellant shall deposit a sum of Rs.25,000/- to the credit of crime No. 27 of 2021, on the file of the respondent police, within a period of two weeks from the date of his release.

(b) 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.

[c] the appellant shall report before the respondent police **on every Saturday at 10.30 a.m., until further orders.**

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

[e] the appellant shall not tamper with evidence or witness either during investigation or trial.



[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the appellant in accordance with law as if the conditions have been imposed and the appellant 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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

(h) the victim family is permitted to withdraw the amount deposited by the appellant in Crime NO.27 of 2021, for the mental agony caused by him.

(i) the appellant shall not to have any communication with the victim girl and her family members.

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