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Crl.O.P.No.33792 of 202



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-12-2025

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.33792 of 2025

Ezhilisai

... Petitioner/ Accused

Vs

The State rep. by,
The Inspector of Police,
Chengam All Women Police Station.
(Crime No.6 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in
Crime No.6 of 2025 on the file of the respondent police.

For Petitioner(s) : Mr. S. Viduthalai Valavan

For Respondent(s) : Mr. A. Gopinath
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.05.2025 for the alleged offence punishable under Section 64(2) of BNS r/w Sections 5(I), 5(j)(ii) r/w 6(1) of POCSO Act, 2012 in Crime No.06 of 2025 on the file of the respondent police, seeks bail. This is the successive bail application of the petitioner and the earlier bail applications of the petitioner were dismissed by this Court, vide orders dated 25.09.2025, 11.08.2025 and 14.07.2025 in Crl.O.P.Nos.26441, 22251 and 19870 of 2025, respectively.

2. The case of the prosecution is that, the victim is a 16 year old girl, who was found to be pregnant; that she was not sure about who is responsible for her pregnancy; that however, she suspected the petitioner herein, who is a Sport Master had taken her to a sports tour and could have physically assaulted her; that the DNA test of the victim's child matched with the petitioner herein. Hence, this case.

3. The learned counsel appearing for petitioner submitted that the petitioner is in judicial custody since 22.05.2025; that after the dismissal of the earlier bail application of the petitioner, the investigation of this case was completed and the final report also filed; that the victim and her mother were



also already examined before the Trial Court; and that the petitioner is ready to abide by any condition that may be imposed by this Court and sought for bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent while opposing the bail to the petitioner reiterated the prosecution case and submitted that the investigation of the case was completed and final report filed in Spl.S.C.No.184 of 2025 on the file of the Special Court for Exclusive Trial of Cases under POCSO, Tiruvannamalai; that L.W.1 and L.W.2 were examined; that the case is posted for examination of L.W.3 and the trial is progressing.

5. I have considered the submissions made on both sides and perused the materials available on record. The earlier bail applications of the petitioner were dismissed by this Court and the reason stated for rejection is that the petitioner's paternity of the child born to the victim has been established by way of DNA report.

6. Considering the facts and circumstances of the case, the fact that both the victim and her mother were already examined before the Trial Court and the trial is progressing, this Court is inclined to grant bail to the petitioner



with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his 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 **Court of Special Court for Exclusive Trial of Cases under POCSO, Tiruvannamalai** and on further conditions that:

[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 concerned daily at 10:30 a.m., until further orders;**

[c] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;



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[d] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

10.12.2025

stn

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 Judge,
Special Court for Exclusive Trial of Cases under POCSO,
Tiruvannamalai.
2. The Inspector of Police,
Chengam All Women Police Station.
(Crime No.6 of 2025)

K. RAJASEKAR, J.

stn

3. The Superintendent,
Central Prison, Vellore.



4. The Public Prosecutor,
High Court of Madras.

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