



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2025

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THE HONOURABLE MRS JUSTICE S.SRIMATHY

CRL OP(MD) NO. 18196 of 2025

Bharathi

Petitioner(s)

Vs

The State of Tamilnadu, Rep by the Inspector of Police,
All Women Police Station,
Manamadurai,
Sivagangai District
Cr.No.28 of 2025.

Respondent(s)

For Petitioner(s): Mr.D.S.Haroon Rasheed

For Respondent(s): Mr.S.S.Manoj,
Government Advocate (crl. Side)

Prayer: For Anticipatory Bail in Crime No.28 of 2025 on the file of the respondent Police.

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 11(i) read with Section 12 of the POCSO Act in Crime No.28 of 2025, on the file of the respondent police, seeks anticipatory bail.



2. The case of the prosecution is that the petitioner has abused and intimidated the defacto complainant's daughter. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. Hence, he seeks anticipatory bail for the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police raised an objection to grant anticipatory bail to the petitioner on the ground that the petitioner shown his private parts to the victim minor girl.

5. Considering the facts and circumstances of the case since there is no penetrative assault the respondent police was directed to enquire the matter and submit a status report and the petitioner was also directed to assist him to submit a report. In the report, it is stated as follows:

“Based on history and clinical evaluation patient has features suggestive of Bipolar mood disorder under remission. Patient needs to continue medications for maintenance of remission of symptoms.”



Based on the report this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, on condition that the petitioner shall execute 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 Special Court for POCSO Act Cases, Sivagangai, from the date on which the order copy made ready and on further conditions that:

[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[b] the petitioner shall not intimidated or threatened the victim and her family and he shall not enter the house or school premises of the victim girl.

[c] the petitioner shall appear before the respondent police as and when required for interrogation.

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



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

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

10.12.2025

KSA

To

1. The Special Court for POCSO Act Cases, Sivagangai.
2. The Inspector of Police,
All Women Police Station,
Manamadurai, Sivagangai District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.