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Crl.O.P.No.629 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2026

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THE HONOURABLE Mr. JUSTICE K. RAJASEKAR

Crl.O.P.No.629 of 2026

Dr.P.A.Subramanian

... Petitioner

Vs.

State rep by Inspector of Police,
All Women Police Station,
Ammamet, Salem City.
(Crime No.73 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, to enlarge the petitioner on bail in event of arrest pending investigation in Crime No.73 of 2025 on the file of the respondent police.

For Petitioner : Mr.Murugendran Govindaramu
For Respondent : Ms.J.R.Archana,
Government Advocate (Crl.Side)

ORDER

The petitioner apprehends arrest for the alleged offence **under Section 9(n), 10, 11(1), 12, 506(1) of the Protection of Children from Sexual Offences Act, 2012** in **Crime No.73 of 2025** on the file of the respondent police seeks anticipatory bail.

2. The allegation against the petitioner is that the petitioner is the grand



father of the victim girl aged about 16 years and the victim was residing with her grand father. From the year 2020, this petitioner has allegedly committed sexual assault on the victim girl and also threatened her with dire consequences and continuously induced her to cooperate with the sexual assault. Hence, a complaint has been lodged.

3. The learned counsel for the petitioner submitted that the petitioner herein was retired military doctor aged about 90 years, was maintained cordial relationships and was taking care of the victim girl. The victim herein has initially filed a suit against her mother for seeking properties, for which, the petitioner herein was acted as a next friend and guardian. The allegations stated in the FIR pertains to the year 2020, and similarly, criminal cases were also registered against the petitioner on the instigation of the victim's mother, and that it is not a case of penetrative sexual assault. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and, upon instructions, submitted that the victim, in her statement under Section 185 of BNSS, has categorically narrated the incident and it is a case of sexual assault caused by



the petitioner herein. She further submitted that the investigation in this case is still pending and that the petitioner is not having any previous cases. However, he opposed to grant anticipatory bail to the petitioner.

5. I have also considered the submissions made on both sides and also perused the records, more particularly statement recorded from the victim girl, FIR, etc., it revealed some disturbing facts, including the petitioner's alleged commission of sexual assault on the victim girl on multiple occasions. However, it is not a case of penetrative sexual assault.

6. Considering the fact that there are civil disputes initiated by the petitioner herein against the victim girl's mother and the same was concluded in the year 2025, all along there was no complaint regarding the occurrences narrated in the FIR and further the victim is now with her mother and considering all other circumstances and also the fact that, it is not the case of penetrative sexual assault, I am of the view that custodial interrogation of the petitioner for the purpose of interrogation is not required in this case. Hence I am inclined to grant anticipatory bail to the petitioner subject to certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail in the



event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **learned Special Judge, Special Court for the Exclusive Trial of POCSO Act Cases, Salem**, on condition that **the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only), with two sureties each**, for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:

(a) If the petitioner fails 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 petitioner shall report before the respondent Police everyday at 10.30 a.m., for a period of three 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.***



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State of Kerala [(2005) AIR SCW 5560];

(e) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

19.01.2026

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To

1.The Special Judge,
Special Court for the Exclusive Trail of POCSO Act Cases,
Salem.

2.The Inspector of Police,
All Women Police Station,
Ammamet, Salem City.

3.The Public Prosecutor,
High Court of Madras.

K.RAJASEKAR, J.

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