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CRL OP No. 982 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-02-2026

CORAM

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 982 of 2026

Rajesh

..Petitioner(s)

Vs

The State Represented by
Inspector of Police,
Vishnu Kanchi Police Station,
Kancheepuram District.
Cr.No.825/2024 dt.29.09.2024

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner on bail in SPL.SC.No.89 of 2025 on the file of Principal District and sessions Court at Kanchipuram and pass such or other orders as this Honorable Court.

For Petitioner(s): Mr.M.P.Saravanan

For Respondent(s): Dr.C.E.Pratap
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.10.2024 for the offences under Sections 87(2 counts), 76 and 103 of the Bharatiya Nyaya Sanhita, 2023, and Section 9(m) r/w 10(2 counts) of the Protection of Children from Sexual Offences Act, 2023, in Crime No.825 of 2024, registered on the file of the respondent police, seeks bail.



2.The case of the prosecution is that this petitioner befriended with the family members of two victim children (one died). After befriending, he used to take the children to his home and during the month June, 2024, he started taking the children continuously and sexually abused both the children, more particularly, he used to attack the deceased victim boy by committing unnatural offence and also attacked him with knife and caused cut injuries. On 28.09.2024, the accused took both the children to his house around 2.00 p.m., in spite of refusal by the children to accompany him. He brutally attacked the victim boy by pressing the private parts of the victim boy. He also caused severe injuries to the victim boy. Thereafter, by engaging another person he dropped both the children to their house and subsequently, the boy has developed serious illness and consequently died. Thereafter the case was registered by the respondent police on 29.09.2024.

3.This Court after hearing the parties dismissed the earlier bail application of the petitioner in Crl.O.P.No.22019 of 2025, dated 19.09.2025, on the following grounds:

“5.That being the case, I am of the view that there are materials placed before me to prima-facie establish the involvement of the accused/petitioner herein for causing several external injuries to the deceased boy and also for sexual assault on the victim girl. Though it is stated that the petitioner is in



custody for 355 days, I am of the view that the manner in which the death caused to the victim boy is gruesome and the victim girl also suffered a lot in the hands of the petitioner. Hence, I am not inclined to grant bail to the petitioner and the Criminal Original Petition stands dismissed.”

4.The successive bail application has been filed by the petitioner after five months and the learned counsel for the petitioner submitted that the petitioner’s vision is further deteriorated and he could not independently walk in the prison and he requires some special monitoring for improving his health. Further, he has been in the judicial custody for nearly one and half years and prays to grant bail.

5. *Per contra*, the learned Government Advocate (Crl. Side) has submitted that now the petitioner is able to take care of his regular work and, gravity of offence is to be considered before granting bail to the petitioner and opposed to grant bail.

6.Considering the submissions, this Court has ordered assessment of the health condition of petitioner by the Medical Board and Board has submitted the following report:



**“Government Vellore Medical College and
Hospital
Vellore -II
Medical Board
Medical Report**

This is to state that the patient Mr.Rajesh s/o.Muniyan 35 yrs/M, PID.No.631818 a known case of DM/SHT with mild non proliferative diabetic retinopathy (NPDR) in both eyes has been prescribed the required treatment and care and is requested to continue the prescribed medications for his glycemic control. Further follow – up and monitoring is mandatory for his health condition to improve. The patient is hemodynamically stable at present and doesn’t require hospitalisation at present.”

7.The above Medical Report shows that though the patient was stable, at present he requires follow up and monitoring is mandatory for his health condition to improve. Further, considering the fact that the petitioner is in judicial custody for more than one and half years and so far no trial is progressed and the date of trial is fixed on 24.03.2026, this Court is inclined to grant bail to the petitioner.

8.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, for a like sum to the satisfaction of the *learned Principal*

District and Sessions Court, Kanchipuram, and on further conditions that:-

[a] 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;

[b] **the petitioner shall report before the trial Court, daily at 10:30 a.m., once in a week on every Friday at 10.30 a.m., for a period of Four weeks and thereafter on the dates fixed by the trial Court and the petitioner shall directed to co-operate for the trial process and if the petitioner did not co-operate for the trial process, the prosecution is at liberty to move appropriate petition seeking for cancellation of bail;**

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with the evidence or witness 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 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 B.N.S.

20-02-2026

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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 State Represented by
Inspector of Police,
Vishnu Kanchi Police Station,
Kancheepuram District.
Cr.No.825/2024 dt.29.09.2024
- 2.The Principal District and Sessions Court, Kanchipuram.
- 3.The Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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