



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2026

CORAM

THE HONOURABLE Mr. JUSTICE K. RAJASEKAR

Crl.O.P.No.714 of 2026

Jaganathan

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
Arakkonam Taluk Police Station,
Arakkonam,
Ranipet District.
(Crime No.304 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.304 of 2025 on the file of the respondent police.

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

ORDER

The petitioner apprehends arrest for the alleged offence **under Sections Girl Missing @ 5(1), 6(1), 17 and 21(1) of POCSO Act, 2012, Section 9 of the Child Marriage Restraint Act, 1929 and Section 87 of BNS, 2023** in **Crime No.304 of 2025** on the file of the respondent police seeks anticipatory bail.

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



relationship with the victim girl under the pretext of loving her and accompanied her to various places and committed aggravated penetrative sexual assault. Hence, a case has been registered.

3. The learned counsel for the petitioner submitted that the petitioner is aged about 23 years and the victim girl is aged about 18 years and that it is not a case of aggravated penetrative sexual assault, it is a case of voluntary act of the victim girl. He further submitted that the victim girl only forced the petitioner to accompany her and there are no allegations of sexual assault against the petitioner as alleged by the First Information Report. He further submitted that he is ready to abide by any conditions that may be imposed by this Court and ready to cooperate with the investigation. 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, it is a case of penetrative sexual assault caused by the petitioner herein and the investigation in this case is still progressing. The learned counsel also produced the copy of the statement recorded from the victim girl under Section 185 of BNSS. Hence, she opposed to grant anticipatory bail to



the petitioner.

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5. I have gone through the statement recorded from the victim girl in which she has narrated various incidents and it is case of aggravated penetrative sexual assault. However, it is revealed that the family members of the victim were aware about the occurrence and they have not taken any steps. It is also stated that the victim girl has also become pregnant and subsequently, suffered a miscarriage.

6. Considering the manner in which the occurrence has taken place and considering the age of the victim girl, and stage of the investigation, 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 her appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **learned Judicial Magistrate-I, Arakkonam**, 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:



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(a) If the petitioner fails to surrender before the concerned learned 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. It is also made clear that the petitioner shall co-operate for the medical examinations, if any to be conducted by the respondent police;

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

(e) If the petitioner thereafter absconds, a fresh FIR can



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be registered under Section 269 of BNS Act.

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To

1.The Judicial Magistrate-I, Arakkonam.

2.The Inspector of Police,
Arakkonam Taluk Police Station,
Arakkonam, Ranipet District

3.The Public Prosecutor,
High Court of Madras.

K.RAJASEKAR,J.

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