



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2026

CORAM

THE HONOURABLE Mr. JUSTICE K. RAJASEKAR

Crl.O.P.No.971 of 2026

Boopathi

... Petitioner

Vs.

The State
Rep. by Inspector of Police,
All Women Police Station,
Mettur, Salem District.
(Crime No.26 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.26 of 2025 on the file of the respondent police.

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

ORDER

The petitioner apprehends arrest for the alleged offence **under Sections 11(1), 12 of Protection of Children from Sexual Offences Act, 2012 (POCSO) and 126(2) of BNS** in **Crime No.26 of 2025** on the file of the respondent police seeks anticipatory bail.



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2. The allegation against the petitioner is that the petitioner continuously stalked the victim girl and demanded her to continue to talk with him through phone. Since the victim refused to continue the same, the petitioner threatened her with dire consequences. Hence, a case has been registered.

3. The learned counsel for the petitioner submitted that due to some property dispute a false complaint has been lodged against the petitioner and that it is not a case of penetrative sexual assault. He further submitted that the petitioner 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 not a case of penetrative sexual assault and it is a case of attempt to sexual assault on the victim girl. The learned counsel further submitted that the investigation in this case is still pending and opposed to grant anticipatory bail to the petitioner.

5. I have also gone through the statement recorded under Section 185 of BNSS and it is revealed that it is not a case of penetrative sexual assault.

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel on both sides; and the nature of



allegations levelled against the petitioner; I am of the view that for the purpose of investigation custodial interrogation is not necessary 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 POCSO, 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;

K.RAJASEKAR, J.

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(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. 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 POCSO, Salem.
- 2.The Inspector of Police, All Women Police Station, Mettur, Salem District.
- 3.The Public Prosecutor, High Court of Madras.

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