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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2026

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

Crl.O.P.No.857 of 2026

PremKumar

... Petitioner

Vs.

State Rep by its,  
The Inspector of Police,  
Polur All Women Police Station ( AWPS)  
Tiruvannamalai District,  
Crime No.83 of 2025

... Respondent

**PRAYER** : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in connection with Crime No.83 of 2025 pending investigation on the file of the Inspector of Police.

For Petitioner : Mr.E. Sathiyaraj

For Respondent : Mr.A.Gopinath  
Government Advocate (Crl. Side)

### **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 18.10.2025 for the alleged offence under Sections 64(2)(m) of BNS Act ( Corresponding Section 376 AB of IPC and Section 5(1),6(1) of POCSO Act and Section 4 of TNPHW Act in Crime No.83 of 2025 on the file of the respondent police, seeks bail.



2. The allegation against this petitioner is that the petitioner and the victim girl were working in the same company and the petitioner had developed relationship with the victim girl and used to stay with the victim girl. It is alleged that the petitioner has assured that he will marry the victim girl and had committed aggravated penetrative sexual assault and thereafter failed to marry her, due to which the victim girl has attempted to commit suicide. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is in custody from 18.10.2025 and due to difference of opinion a false case has been registered. He further submitted that the petitioner is ready to abide by any condition that may be imposed by this Court. Therefore, he prays for grant bail to the petitioner.

4. The learned Government Advocate (Crl.side) reiterated the prosecution case and submitted that the victim girl has given a statement recorded under Section 183 of BNSS which reveals the manner in which the occurrence has taken place and the investigation in this case is not yet completed. Hence, he opposed to grant bail to the petitioner.



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5. Heard both sides and perused the materials available on record including the statement recorded under Section 183 of BNSS which reveals that the family members of the victim girl permitted the petitioner to stay with the victim girl and the same was also accepted by the victim girl and thereafter it seems that the victim girl has been avoided by the petitioner due to some difference of opinion.

6. Considering the submissions of the learned counsel on either side and the above facts and that the petitioner was arrested and he is in judicial custody from 18.10.2025 and major part of the investigation in this case is completed, this Court is inclined to grant bail to the petitioner on certain conditions.

7. 6. Accordingly, the petitioner is ordered to be released on bail on their executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties each** for a like sum to the satisfaction of the learned Special Court for Exclusive Trial of cases under POCSO Act, Thiruvannamalai 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 stay at Cuddalore and report before the B1 New Town Police Station, Cuddalore everyday at 10:30 a.m for a period of three weeks and thereafter report before the respondent police as and when required for interrogation.**

[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];



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[f] If the accused thereafter absconds, a fresh  
FIR can be registered under Section 269 B.N.S.

19.01.2026

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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.



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**K.RAJASEKAR, J.,**

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**To**

1.The *Special Court for Exclusive Trial of cases under POCSO Act,*  
*Thiruvannamalai*

2.The Inspector of Police,  
Polur All Women Police Station ( AWPS)  
Tiruvannamalai District,

3.The Superintendent,  
Central prison, Vellore

4.The Public Prosecutor,  
High Court, Madras.

**CRL OP NO.857 of 2026**



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