



WEB COPY



Crl.A. No. 92 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2026

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.A. No. 92 of 2026

M.Sakthi @ Siva Sakthi

..Appellant/Petitioner/Accused

Vs.

1.The Deputy Superintendent of Police,
Deputy Superintendent of Police office,
Dharmapuri.

2.State rep by
Inspector of Police,
AWPS Police Station,
Palacode, Dharmapuri,
Crime No.39/2025

...Respondents/Respondents

3.XXXX (Victim Girl)
D/o.Periyasami,
No.Panni Alli Village,
Kondana Alli Post,
Palacode Taluk,
Dharmapuri District – 636 701.

.. Respondent/ Defacto complainant

Prayer: Criminal Appeal filed under Section 14 (A) (1) of SC/ST Act, 1989, to set aside the order passed by the learned Special Court for Exclusive Trial of Cases under POCSO Act, Dharmapuri in Crl.M.P.No.395



Crl.A. No. 92 of 2026

of 2025 dated 19.12.2025 and enlarge the Appellant on bail in connection with Crime No.39 of 2025 pending on the file of Respondent Police.

For Appellant :: Mr.G.Mohammed Aseef

For Respondents :: Mr.S.Balaji,
 Government Advocate(Crl.Side)
 for R1 & R2
 Mr.M.Abdul Kareem for R3

J U D G M E N T

The appeal challenges the dismissal of the appellant's application seeking for bail.

2.The appellant is an accused in Crime No.39 of 2025 registered for the offences under Section 87 of BNS & 5(I), 5(j), (ii) r/w 6(1) of POCSO Act & 9 of the Prohibition of child marriage act r/w 3(1) (w) (i), 3(2) (v) SC/ST (Prevention of Atrocities) Amendment Act 2015. The appellant was arrested on 21.11.2025. The appellant filed a bail application before the trial Court, which came to be dismissed vide the impugned order.



Crl.A. No. 92 of 2026

WEB COPY

3.The learned counsel for the appellant would submit that the appellant and the victim had a love affair; that the victim did not complain about the alleged occurrence; that the victim had admitted that she had voluntarily gone with the appellant and only when she was admitted to the hospital for treatment for her pregnancy, the complaint was lodged and considering the age of the appellant, prayed that the appellant may be released on bail.

4.The learned counsel for the third respondent/victim *per contra* objected for releasing the appellant on bail stating that the appellant had committed a serious offence.

5.The learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2 would confirm that it is a case of love affair.

6. Considered the rival submissions and perused the materials on record.



Crl.A. No. 92 of 2026

WEB COPY

7. Admittedly, the final report has been filed and the custody of the appellant is not required for further investigation. Considering the fact that the victim herself has stated during investigation and in her 164(5) Cr.P.C., statement that she had voluntarily gone with the appellant and the alleged occurrence, even if accepted to be true, had taken place due to the mutual attraction and innocence of two youngsters, this Court is inclined to set aside the impugned order and release the appellant on bail on stringent conditions;

(i) The appellant shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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, Dharmapuri;

(ii) The appellant and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity;



WEB COPY



Crl.A. No. 92 of 2026

(iii) the appellant shall appear before the trial Court on all hearings;

(iv) the respondent police is directed to ensure that there is no threat to the life and safety of the de-facto complainant. In the event of any threat, appropriate steps to be taken.

(v) the appellant shall not commit any offences of similar nature;

(vi) the appellant shall not abscond either during investigation or trial;

(vii) the appellant shall not tamper with evidence or witness either during investigation or trial;

(viii) on breach of any of the aforesaid conditions, the learned Sessions Judge/Trial Court is entitled to take appropriate action against the appellant in accordance with law as if the conditions have been imposed and the appellant released on bail by the learned Sessions Judge/Trial Court himself as



Crl.A. No. 92 of 2026

laid down by the Hon'ble Supreme Court in
P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

(ix)if the accused thereafter absconds, a
fresh FIR can be registered under Section 229A IPC.

8. In view of the above, the impugned order, dated 19.12.2025 in
Crl.M.P.No.395 of 2025 passed by the learned Special Court for Exclusive
Trial of cases under POCSO Act, Dharmapuri, is set aside and the Criminal
Appeal is allowed.

06.02.2026

Neutral Citation: Yes/No
Tsg

Note: Issue order copy on 02.2026

To

1.The Deputy Superintendent of Police,
Deputy Superintendent of Police office,
Dharmapuri.

2.State rep by
Inspector of Police,
AWPS Police Station,
Palacode, Dharmapuri,
Crime No.39/2025



Crl.A. No. 92 of 2026

3.The Special Court for Exclusive
Trial of Cases Under POCSO Act, Dharmapuri

WEB COPY

4.The Superintendent,
Sub Jail, Dharmapuri.

5.The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.A. No. 92 of 2026

SUNDER MOHAN,J.

Tsg

Crl.A. No. 92 of 2026

06.02.2026