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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2026

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.1657 of 2026

Susila

... Petitioner

Vs

The State rep. by,
Inspector of Police,
Bommidi Police Station,
Dharmapuri District
(Crime No.164 of 2025)

... Respondent

PRAYER Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime
No. 164 of 2025 on the file of the Inspector of Police,
Bommidi Police Station, Dharmapuri District.

For Petitioner(s) : Mr.S. Silambu Selvan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on
07.12.2025, for the offences punishable under Sections Girl Missing altered
to Section 137(2), 96 of BNS Act altered to 137(2), 96,238,49 of BNS in
Crime No.164 of 2025, registered on the file of the respondent police, seeks



bail.

2. The case of the prosecution is that the petitioner is a maternal aunt of A1 in this case. A1 kidnapped the victim girl who is aged about 15 years and after kidnapping her from the place they contacted this petitioner to help them and accordingly she helped them through her son-in-law. Thereafter, the victim girl was taken to a unknown place and so far the victim girl was not yet secured. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner being a lady and she has only instructed her son-in-law to look into the issue and resolve the same. Further she has not involved in kidnapping the victim girl and she is in judicial custody from 07.12.2025 and ready to co-operate with the investigation and prays to grant bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent while opposing the bail to the petitioner, reiterated the prosecution case and submitted that so far victim girl is not yet secured and A1 is still absconding and investigation in this case is pending . Hence , he opposed to grant bail to the petitioner.



5. Considering the submissions made by both sides and the allegations levelled against the petitioner and though it is stated that the victim girl and A1 in this case is still absconding and considering the fact that the petitioner is a lady and she is having children. This Court is of the view that instead of keeping in prison, if she is released on bail she may co-operate with the investigation process to find the victim girl. Hence, this Court is inclined to grant bail to the petitioner herein with certain conditions.

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 Sessions Judge, Special Court for POCSO Act cases, Dharmapuri and on further conditions that:

[a] 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 the identity proofs to ensure their identity;

[b] the petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for



interrogation;

[c] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

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

27.01.2026

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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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To

1. The Inspector of Police,
Bommidi Police Station,
Dharmapuri District

2. The Sessions Judge, Special Court for POCSO
Act cases, Dharmapuri

3. The Sub Jail for Women at Dharmapuri

4. The Public Prosecutor,
High Court of Madras.



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K. RAJASEKAR, J.

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Crl.O.P. No.1657 of 2026



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