

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **03.02.2026**

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.2370 of 2026

Sakthivel

... Petitioner

Vs

The Inspector of Police,
Avadi All Women Police Station,
Avadi, Thiruvallur District
(Crime No.453 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in Spl.S.C. No.236 of 2024 pending for trial in Crime No.453 of 2024 on the file of the respondent police.

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

ORDER

The petitioner, was arrested by the respondent police on execution of Non Bailable warrant on **24.12.2025** and remanded to judicial custody on the same day in Spl.S.C. No.236 of 2024 pending on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvallur for the alleged offences u/s 366 of IPC and U/s 5(1) r/w 6(1) of POCSO Act in Crime No.453 of 2024 on the file of the respondent police, seeks bail.

2. The learned counsel appearing for the petitioner submitted that due to ill health the petitioner was not able to appear on the date of hearing. Hence, due to his non appearance the Trial Court has issued NBW against the petitioner on 24.12.2025 in Spl.S.C. No.236 of 2024 pending on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvallur and the petitioner was arrested on the same day. He further submitted that the petitioner is ready to abide by any conditions that may be imposed by this Court and sought for bail to the petitioner.

3. The learned Government Advocate (Criminal Side) appearing for the respondent while opposing the bail to the petitioner submitted that the petitioner on getting enlarged on bail alleged to have failed to comply the condition to appear before the Trial Court, however since the petitioner failed to appear, NBW was issued and subsequently, he was arrested. Hence, opposed to grant bail to the petitioner.

4. Considering the period of incarceration undergone by the petitioner and the fact that the trial proceedings has not yet commenced, this Court is inclined to grant bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Trial of Cases under POCSO Act at Thiruvallur** 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 Trial Court concerned daily at 10:30 a.m., for a period of three weeks and thereafter, on all hearing dates without fail;**

[c] the petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall make himself available for interrogation by a Police officer as and when required;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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]**;

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

03.02.2026

smn

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.

To

1. The **Special Court for Trial of Cases under POCSO Act at Thiruvallur**
2. The Inspector of Police,
Avadi All Women Police Station,
Avadi, Thiruvallur District
3. The Superintendent,
Central Prison,Puzhal
4. The Public Prosecutor,
High Court of Madras.

K. RAJASEKAR, J.

smn

Crl.O.P. No.2370 of 2026

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