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CRL OP No. 2395 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2026

CORAM

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 2395 of 2026

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..Petitioner(s)

Vs

State rep.by, The Inspector of Police,
W22 All Women Police Station,
Mylapore,
Chennai.
Cr.No.4 of 2026.

..Respondent(s)

Prayer: This Criminal Original Petition is filed under Section 482 of BNSS to grant anticipatory bail to the petitioner / accused in the event of arrest in Cr.No.4 of 2026 on the file of the respondent police.

For Petitioner(s):	M/S.Xavier Felix
For Intervenor:	Mr.S.Balasubramanian
For Respondent(s):	Ms.J.R.Archana, GA (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 6 & 7 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) in connection with the Cr.No.4 of 2026, seeks anticipatory bail.

2. The allegations against the petitioner is that the defaco complainant is the mother of the minor girl, aged about 13 years and the petiitoner is close



relative of the victim minor girl. It is alleged that the accused, taking advantage of his proximity and the fact that the victim was residing with him, sexually harassed her and threatened her not to disclose the occurrence to anyone. Thereafter, the victim minor girl disclosed the incident to her relatives, based on which complaint was lodged.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and falsely implicated in this case by the respondent police. He contends that the FIR is nothing but a counterblast to a pre-existing civil dispute between the petitioner and the de facto complainant's family. He further submitted that petitioner is ready to cooperate with the investigation and prayed for grant of anticipatory bail to the petitioner.

4. The learned counsel for the intervenor raised strong objection for grant of anticipatory bail to petitioner stating that the petitioner has sexually assaulted the victim minor girl on two occasions and if anticipatory bail is granted to the petitioner, he will cause prejudice to the interests of the victim girl and taking advantage of the relationship, there is a chance of tampering witnesses.

5. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution's case and produced the copy of the statement of the victim minor girl recorded under Section 183 of BNSS and



submitted that investigation in this case is still pending and opposed for grant of anticipatory bail to the petitioner.

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6. On perusal of the statement of the victim minor girl recorded under Section 183 of BNNS, reveals that on two occasions, the petitioner inappropriately touched the victim minor girl. Since it is not a case of penetrative sexual assault, considering other aspects of this case and custodial interrogation of the petitioner is not necessary. Hence, I am inclined to grant anticipatory bail to the petitioner, with 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 made ready, before the learned **XVIII Metropolitan Magistrate, Saidapet, Chennai**, on condition that the petitioner shall execute 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 Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 am., for a period three weeks and thereafter as and when required for interrogation.

[b] the petitioner shall not, directly or indirectly, make any inducement,



threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

[e] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.2023.

17-02-2026
(1/2)

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

JAI



To

1. The Inspector of Police,
W22 All Women Police Station,
Mylapore, Chennai.

2. The XVIII Metropolitan Magistrate, Saidapet, Chennai

3. The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

JAI

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