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Crl.O.P.No.3199 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2026

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.3199 of 2026

and

Crl.M.P.No.3191 of 2026

1.Silambarasan @ Siva
2. Yuvarani

... Petitioners

Vs.

The State Rep. By,
The Inspector of Police,
W33 All Women Police Station, Virugambakkam.
Crime No.37 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on anticipatory bail in the event of his arrest in Crime No.37 of 2025 on the file of the respondent police.

For Petitioners : Mr.G.Jeremiah

For Respondent : Ms.J.R.Archana
Government Advocate (Crl. Side)

For Intervenor : Mr.M.Jaisingh



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ORDER

The petitioners herein apprehend arrest at the hands of the respondent police for the offences punishable under Sections 9(n) read with Section 10 of Protection of Children from Sexual Offences Act, 2012 in Crime No.37 of 2025, on the file of the respondent Police, seeks anticipatory bail.

2. The allegation against the petitioners is that the first petitioner is the step father and the second petitioner is the mother and it is alleged that the 1st petitioner had committed sexual assault against the victim girl by touching her inappropriately and also attacked her many times, which resulted in lodging a complaint by the biological father on the advice of the grandmother. Hence, the case was registered.

3. The learned counsel for the petitioners submitted that the due to the sudden intervention of the biological father, the alleged false complaint has been lodged. He further submitted that, even in the FIR, there is no allegation of sexual assault and only in the subsequent statement, she has stated that there are sexual assault made by the first petitioner and now the investigation is completed and final report also filed. He further submitted that the petitioners are ready to abide by any stringent conditions that may be



imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned counsel appearing for the intervenor submitted that the petitioner had committed sexual assault against the victim girl and also attacked her. He further submitted that, if the petitioners were granted anticipatory bail, there is a likelihood that it would hamper the investigation and the trial process. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that investigation is completed and final report is filed and the same is yet to be taken on file. However, he opposed for grant of anticipatory bail to the petitioners.

6. Considering the nature of allegations and the fact that the investigation completed and final report also filed and in the first statement, there is no averments about sexual assault, now victim is living her biological father and it is also not a case of penetrative sexual assault, this Court is inclined to grant anticipatory bail to the petitioners.



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7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of ten days from the date of receipt of a copy of this order, before the learned **Special Court for Exclusive Trial of POCSO Cases, Thiruvallur** on condition that the petitioners shall execute a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties** each for a like sum to the satisfaction of the learned Magistrate concerned, and on further condition that:

[a] if the petitioners fails to surrender before the concerned Magistrate within a period of ten days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

[b] 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;

[c] the petitioners shall report before the concerned Magistrate on all working days at



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**10.30.a.m., for a period of four weeks and thereafter as
and when required for interrogation;**

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

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

8. Consequently, connected miscellaneous petition is ordered.

20.02.2026

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To

1. Special Court for Exclusive Trial of POCSO Cases, Thiruvallur

2.The Inspector of Police,
W33 All Women Police Station, Virugambakkam.

3.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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