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CRL OP No. 3653 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

CORAM

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 3653 of 2026

B. Jaya Kumar

..Petitioner(s)

Vs

The State Rep.by, Inspector of Police,
Women Police Station,
SRMC, Mangadu, Chennai - 600 122.
Ref.Cr.No.19 of 2025.

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail in Cr.No.19 of 2025 on the file of the Respondent Police, pending investigation.

For Petitioner(s): Mr.V.Balaji

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.11.2025 for the offences punishable under Sections 354(C) of IPC and Sections 9(1), 9(n) read with Sections 10, 11(3) and 12 of the POCSO Act, 2012, in Crime No.19 of 2025, seeks bail.



2.The allegation against the petitioner is that the petitioner is the stepfather of the victim aged about 17 years and while the victim girl was sleeping, he used to touch her and also committed sexual assault. Further, it is alleged that he had also taken photographs of the victim girl in his mobile phone and subsequently when he had changed the phone and handed over the old phone to the victim's mother, who noticed from the said mobile phone that the petitioner has recorded the photographs and videos of the victim girl. Hence, the complaint was lodged and the petitioner has been arrested.

3.The learned counsel for the petitioner submitted that the petitioner is in the judicial custody for nearly 84 days and it is not the case of penetrative sexual assault and he is ready to co-operate with the trial process and prays to grant bail.

4.The learned Government Advocate (Crl.Side) reiterated the prosecution case and submitted that the petitioner is in judicial custody from 24.11.2025. He further submitted that the investigation of this case was completed and final report filed and the same is not taken on file and the mobile phone has been recovered. Hence, he opposed for the grant of bail to the petitioner.

5. Considering the nature of allegations and other facts and circumstances and also considering the statement of the victim girl, also the fact



that it is not the case of penetrative sexual assault, this Court is inclined to grant bail to the petitioner with certain conditions.

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6. 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 Judge for the exclusive trial of cases under the POCSO Act, District and Sessions Judge, Kancheepuram.** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall stay at Vellore and report before the Judicial Magistrate No.I, Vellore, on all working days at 10.30 a.m., for a period of six weeks and thereafter, on the dates fixed by the learned Trial Judge;

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

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against



the petitioner in accordance with law as if the 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)AIR SCW 5560]*;

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

16-02-2026

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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.

To

1.The Inspector of Police,
Women Police Station,
SRMC, Mangadu,
Chennai - 600 122.

Ref.Cr.No.19 of 2025.

- 2.The Special Judge for the exclusive trial of cases under the POCSO Act, District and Sessions Judge, Kancheepuram.
- 3.The Central Prison, Puzhal-1.
4. The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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