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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2026

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.No.3397 of 2026

Nagendran

... Petitioner

-VS-

State Rep by,
The Inspector of Police,
Kadathur Police Station,
Dharmapuri District.
(Crime No.222 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 483 of BNSS, 2023, to enlarge the petitioner on bail in Crime No.222 of 2025 on the file of the respondent police.

For Petitioner : Mr.K.Pragadeesh Kumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.11.2025 for the alleged offences punishable under Section 9(n), 10, 11(1), 12 of POCSO Act and 296(b), 115(2) of BNS, in Crime No.222 of 2025, registered on the file of the respondent police, seeks bail.



2. The allegation against the petitioner is that he is the father of the victim girl, aged about 17 years. It is alleged that the parents of the victim were separated and that she was living with her father. Taking advantage of the loneliness, the petitioner allegedly harassed and physically assaulted her on several occasions and, one occasion, pressed her breast and pushed her down. Unable to bear the harassment and assault, the victim girl informed to one of her relatives and the victim was rescued. Hence, a case was registered and the petitioner was arrested.

3. The learned counsel appearing for the petitioner submitted that the allegations are false and that the petitioner has not committed any penetrative sexual assault and that it is not a case of sexual assault as alleged. The allegation against the petitioner is that he only reprimanded and beaten the victim for her inappropriate behaviour. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.side) reiterated the prosecution case and submitted that the petitioner was arrested on 10.11.2025 and that the investigation is completed and the final report filed.

5. On perusal of the statement of the victim girl, it is seen that this is not a case of penetrative sexual assault. The allegations relate to physical assault and harassment, and that, under intoxication, the petitioner forced her to perform certain house hold work. Considering the nature of the allegations,



the period of incarceration undergone by the petitioner, and the fact that the investigation is completed and the final report filed, 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 Exclusive Trial of Cases under POCSO Act, Dharmapuri**, 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 report before the concerned **Court daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.**

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

[d] the petitioner shall not tamper with the 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



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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 B.N.S.

12.02.2026

drl

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 Exclusive Trial of Cases under POCSO Act, Dharmapuri.
- 2.The Inspector of Police,
Kadathur Police Station,
Dharmapuri District.
- 3.The Superintendent,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court, Madras.



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K. RAJASEKAR, J.

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