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Crl.O.P.No.3825 of 202



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2026

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.3825 of 2026

Sakthivel

... Petitioner/ Accused

Vs

The State rep. by,
The Inspector of Police,
AWPS – Palacode Police Station,
Dharmapuri District.
(Crime No.246 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.No82 of 2025 pending on the file of the Special Court for Exclusive
Trial of Cases under POCSO Act, Dharmapuri.

For Petitioner(s) : Mr. D. Thirumoorthy

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.01.2026 based on execution of NBW dated 19.09.2025 in Spl.S.C.No82 of 2025 pending on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Dharmapuri for the offences punishable under Section 366 of IPC and Section 9 of Prohibition of Child Marriage Act and Sections 5(l), 5(j)(ii) and 6(1) of POCSO Act, seeks bail.

2. The learned counsel appearing for the petitioner submitted that the petitioner was earlier arrested and released on bail and was regularly appearing before the Trial Court for the case in Spl.S.C.No.82 of 2025; that due to his ill health, the petitioner was unable to appear before the Trial Court on 19.09.2025, hence a NBW was issued against the petitioner and subsequently, he was arrested and remanded to judicial custody on 21.01.2026. 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 was on bail earlier in this case, since he has not appeared before the Trial Court during the pendency of the trial, a NBW was issued and subsequently, he was arrested; that the petitioner has no previous cases and the trial is posted for framing of charges.

4. I have considered the submissions made on both sides and perused the materials available on record.

5. Considering the facts and circumstances of this case, the fact that the petitioner was earlier granted bail in this case, the fact that the petitioner has no previous antecedents and taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 **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



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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 the 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]**;



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[g] If the accused thereafter absconds, a fresh FIR can

be registered under Section 269 of B.N.S.

17.02.2026

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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 Sessions Judge,
Special Court for Exclusive Trial of Cases under POCSO Act,
Dharmapuri.
2. The Inspector of Police,
AWPS – Palacode Police Station,
Dharmapuri District.
(Crime No.246 of 2024)

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3. The Superintendent,
District Jail, Dharmapuri.
4. The Public Prosecutor,
High Court of Madras.

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