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CRL OP No. 4277 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-02-2026

CORAM

THE HON'BLE MR. JUSTICE K. RAJASEKAR

CRL OP No. 4277 of 2026

Santhosh

..Petitioner(s)

Vs

The State rep.by, The Inspector of Police,
W28, AWPS Ambattur Police Station,
Tiruvallur.
Cr.No.67 of 2025.

..Respondent(s)

Prayer: This Criminal Original Petition is filed under Section 483 of BNSS to enlarge the petitioner on bail in Cr.No.67 of 2025 on the file of W28, AWPS Ambattur Police Station, Tiruvallur.

For Petitioner(s): Mr.J.A.Mohammad Imthiyaz

For Respondent(s): Dr.C.E.Pratap. GA (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.12.2025 for the offences punishable under Sections 5(1) read with Section 6(1) of the Protection of Children from Sexual Offences Act, 2012 in Crime No.67 of 2025, registered on the file of the respondent police, seeks bail.

2. The allegation against the petitioner is that the petitioner is the relative of the victim girl aged about 12 year. Taking advantage of the proximity of the victim girl, he committed penetrative sexual assault on the victim girl. Hence,



the case has been registered.

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3. The learned counsel for the petitioner submitted that the petitioner is innocent and due to previous enmity, petitioner has been falsely implicated in this case. He further submitted that the petitioner is ready to abide any stringent conditions that may be imposed by this Court and he is judicial custody from 09.12.2025. Hence, he prayed for the grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) for the respondent police reiterated the prosecution's case and produced the copy of the statement of the victim girl recorded under Section 183 of BNSS. He further submitted that investigation in this case was concluded and the charge sheet is yet to be filed. Hence, he opposed for grant of bail to the petitioner.

5. Heard both sides and perused the records, including the FIR and the statement of the victim girl recorded under Section 183 of BNSS.

6. On a perusal of the statement of the victim girl recorded under Section 183 of BNSS, revealed certain facts, however, in the statement, victim girl has not mentioned anything about penetrative sexual assault. Further, considering the other facts and circumstances of the case, the period of incarceration undergone by the petitioner and the stage of investigation, I am inclined to grant



bail to the petitioner, subject to the following conditions.

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7. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, for a like sum to the satisfaction of the *learned Sessions Judge, Special Court for Trial of Cases under POCSO Act, Tiruvallur* and on further conditions that:

[a] 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;

[b] the petitioner shall appear before the respondent police everyday at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation;

[c] 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]**;

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



registered under Section 269 of B.N.S.

20-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

gbi

To

1. The Inspector of Police,
W28, AWPS Ambattur Police Station,
Tiruvallur.
2. The Sessions Judge, Special Court for Trial of Cases under POCSO Act,
Tiruvallur.
3. The Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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.



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K.RAJASEKAR, J.

JAI

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