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CRL OP No. 4229 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. 4229 of 2026

M.Shyam Kumar

..Petitioner(s)

Vs

The State Rep. by its Inspector of Police,
Uthukottai All Women Police Station,
Uthukottai,
Thiruvallur District.
(Crime No.48 of 2025)

..Respondent(s)

Prayer: This Criminal Original Petition is filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.48/2025 on the file of the respondent.

For Petitioner(s): Mr.K.G.Senthil Kumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.01.2026 for the offences punishable under Sections 7 read with Section 8, 11(i), 11(iv) read with Section 12 of POCSO Act and Section 66E of IT Act in Crime No.48 of 2025, registered on the file of the respondent police, seeks bail.



2. The allegation against the petitioner is that the petitioner has developed relationship with the victim girl, aged about 16 years and he induced her to send her photographs and accordingly she has also shared photographs and subsequently these photographs were misused by the petitioner in the Instagram and it was seen by one of the relative of the victim and immediately the case was registered.

3. The learned counsel for the petitioner submitted that it is not the case of any sexual assault on the victim girl and it is alleged that the petitioner shared the photographs of the victim in Instagram and the petitioner is aged about 21 years and he is ready to abide any stringent conditions that may be imposed by this Court and he is judicial custody from 20.01.2026. 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 submitted that the investigation in this case is pending and also produced the statement recorded from the victim girl under Section 183(5) of BNS and opposed for grant of bail to the petitioner.

5. I have gone through the statements and it revealed various facts and however it is not the case of sexual assault and it is the case of sharing the photographs of the victim and now, it has been removed from the Instagram and



considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail with certain conditions

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6. 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 Special Court for Exclusive Trial of Cases under POCSO Act, Thiruvallur* 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]**;



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

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

gbi

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,
Uthukottai All Women Police Station,
Uthukottai, Thiruvallur District.
2. The Special Court for Exclusive Trial of Cases under POCSO Act,
Thiruvallur.
3. The Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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