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CRL OP No. 4279 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-02-2026

CORAM

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 4279 of 2026

G.Arulselvam
S/o.Ganesan,
Aroana Bakery Opposite,
Elango Nagar,
2nd Street,
SV Colony,
Tiruppur.

..Petitioner(s)

Vs

State rep.by, The Inspector of Police,
North All Women Police Station,
Tiruppur District.
Cr.No.439 of 2025.

..Respondent(s)

PRAYER:Criminal Original Petition filed under Section 483 of BNSS Act, 2023, to enlarge the petitioner on bail in Spl.SC.No.203 of 2025 on the file of the learned Sessions Judge, Magalir Needhi Mandram (Fast Track Mahila Court), Tiruppur, pending trial.

For Petitioner(s):	M/S.Swamisubramanian
For Respondent(s):	Mr.A.Gopinath Government Advocate(Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.05.2025, for the alleged offence punishable under Section 5(l), 5(n), 6 of POCSO Act in Crime No.439 of 2025, on the file of the respondent police, seeks bail.



2. The allegation against the petitioner is that the petitioner herein is the stepfather of the victim who is aged about 17 years and it is alleged that earlier, there was a dispute between the mother and stepfather. Hence the mother left the victim girl with the petitioner herein. Taking advantage of her loneliness, he committed aggravated penetrative sexual assault which resulted in pregnancy and subsequently a case was also registered and the petitioner was arrested.

3. The learned counsel appearing for the petitioner submitted that earlier, the victim had lodged a complaint against one Rahul stating that she was subjected to penetrative sexual assault, which resulted in pregnancy, and that, in this regard a case was registered and the same is pending. He further submitted that now the victim has changed her version and has alleged that the present petitioner committed penetrative sexual assault upon her and continuously harassed her. He further submitted that it is a false accusation made based on the inducement by other family members and he is ready to cooperate with the investigation. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police reiterated the prosecution case and submitted that the investigation in this case has been completed and the final report has also been filed. He further submitted that the case has been taken on file in S.C. No.203 of



2025 and is pending for fixing the trial date. Hence, he opposed to grant bail to the petitioner.

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5. This Court has perused the FIR and the other connected materials, including the statement recorded from the victim girl, which revealed that, though earlier the petitioner had committed penetrative sexual assault on her, she had not implicated him at that point of time. On her complaint already another case is registered against one Rahul. She has now come forward with allegations that the petitioner herein had committed penetrative sexual assault on her and that she had intimated the same to one of her friends, and thereafter she has come forward with the complaint.

6. Considering the facts and other circumstances discussed above and considering the period of incarceration undergone by the petitioner and stage of the case, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** with two sureties, for a like sum to the satisfaction of the *learned Sessions Judge, Magalir Needhi Mandram (Fast Track Mahila Court), Tiruppur*, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb



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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 Trial Court daily at 10.30 a.m., for a period of four weeks.

[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 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.

27-02-2026

MPA



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, Magalir Needhi Mandram (Fast Track Mahila Court), Tiruppur.
2. State rep.by, The Inspector of Police,
North All Women Police Station,
Tiruppur District.
Cr.No.439 of 2025.
3. The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court, Madras.



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K.RAJASEKAR, J.

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