



WEB COPY



CrI.O.P.No.5448 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04-03-2026**

CORAM

THE HONOURABLE MR JUSTICE C. KUMARAPPAN

CRL OP NO.5448 of 2026

Irfan

... Petitioner/ Accused

Vs

The State rep. by,
The Inspector of Police,
Vaniyambadi All Women Police Station,
Vaniyambadi, Tirupathur District.
(Crime No.02 of 2026)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in
Crime No.02 of 2026 on the file of the respondent police.

For Petitioner(s) : Mr. G. Vinodhkumar

For Respondent(s) : Mr. S. Vinoth Kumar
Government Advocate (Crl. Side)



ORDER

WEB COPY

The petitioner, who was arrested and remanded to judicial custody on **03.01.2026** for the alleged offence **under Sections 64(1), 96, 49 of BNS & 3(a), 4 of POCSO Act, 2012** in **Crime No.02 of 2026** on the file of the respondent police, seeks bail. The earlier bail application of the petitioner herein was dismissed by this Court, vide order dated 03.02.2026 in Crl.O.P.No.2327 of 2026.

2. The case of the prosecution is that the petitioner herein is a relative of the victim girl, who is aged about 14 years; that the petitioner is alleged to have taken the victim girl to the Yelagiri hills and committed sexual assault on her. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in the present case and he has not committed any offence as alleged by the prosecution. He would further submit that upon the instructions of the mother of the victim girl, the petitioner had taken the victim girl to the Yelagiri hills; that the petitioner is in judicial custody since 03.01.2026 and the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays



for grant of bail to the petitioner.

WEB COPY

4. The learned Government Advocate (Criminal Side) appearing for the respondent while opposing the bail to the petitioner reiterated the prosecution case, however he fairly submitted that the 183 BNSS statement of the victim, recorded before the Judicial Magistrate, Vaniyambadi on 11.02.2026 did not support the prosecution case; and that the investigation of this case is still pending.

5. I have given my anxious consideration to either side submissions and perused the materials available on record.

6. From the submissions made by the learned counsels on either side, it is seen that the 183 BNSS statement recorded from the victim did not support the prosecution case, in view of such position, considering the period of incarceration, inasmuch as the petitioner is being in custody since 03.01.2026, and also taking note of the fact that this is the second bail petition, this Court, upon consideration of the totality of the circumstances, is inclined to grant bail to the petitioner, subject to certain conditions.

7. 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 Sessions Court, Tirupathur** 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 report before the respondent police daily at 10.30 a.m. for a period of two weeks and subsequently, 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 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



WEB COPY



CrI.O.P.No.5448 of 2026

by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]**;

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

04.03.2026

stn

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, Tirupathur.
2. The Inspector of Police,
Vaniyambadi All Women Police Station,
Vaniyambadi, Tirupathur District.
(Crime No.02 of 2026)

C. KUMARAPPAN, J.

stn

3. The Superintendent,



Central Prison, Vellore.

4. The Public Prosecutor,
High Court of Madras.



Crl.O.P.No.5448 of 2026

Crl.O.P. No.5448 of 2026

04.03.2026