



WEB COPY

CRL OP No. 4666 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 4666 of 2026

Ragupathi S/o. Gopala Krishnan,
Door No.51, East Street,
Thottiyam Post,
Kallakurichi Taluk,
Kallakurichi District.

..Petitioner(s)

Vs

State Represented by:

The Station House Officer,
AWPS-Kallakurichi.
[Cirme No.5 of 2026]

..Respondent(s)

PRAYER: The Criminal Original Petition has been filed under Section 483 of B.N.S.S. praying to enlarge the petitioner on bail in Cr.No.5 of 2026 on the file of the respondent police and ths render justice.

For Petitioner(s): M/S.R.Raji

For Respondent(s): Mr. S. Vinoth Kumar,
Government Advocate (Criminal side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.02.2026 for the alleged offences under Sections 3 and 4 of POCSO Act in Crime No.5 of 2026 on the file of the respondent police, seeks bail.



2. The *case of the prosecution* is that the petitioner, aged 21 years, committed penetrative sexual assault on a minor victim girl, aged about 15 years. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that both the petitioner and the victim girl are in love affair and the same was objected by the parents of the victim and hence this false case has been registered against the petitioner and the petitioner is ready to abide by any condition that may be imposed by this Court and hence prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal side) appearing for the respondent police reiterated the prosecution case. Though the learned Government Advocate strongly opposed the bail application, he fairly submits that both the petitioner and the victim girl are loving each other. He has also produced the copy of the statement recorded under Section 183 of B.N.S.S.

5. I have given anxious consideration to the submissions made by the learned counsel on either side.



6. From the submissions made by the learned counsel appearing for the petitioner, it appears that the family members of the defacto complainant thought had already arranged marriage between the petitioner and the victim, since the victim is aged 15 years, it was postponed. The learned counsel for the petitioner would further submit that the petitioner was not involved in any such offence and he has been falsely implicated in the present case. The learned counsel for the petitioner has also submitted a flight ticket dated 20.08.2025 and would contend that the petitioner used to travel to Singapore and would stay at their home and hence the story of the prosecution that the petitioner knew the victim girl only upon arrival to India, is not true. He would further submit that there is no sexual assault committed by the petitioner and both the victim and the petitioner had love affair.

7. At this juncture, the learned Government Advocate (Criminal side) has submitted the statement recorded under Section 183 of B.N.S.S. before the learned Judicial Magistrate, Fast Track Court, Kallakurichi on 02.02.2026. According to the above statement, though there are certain reference about the intercourse, this Court could not find any manifest assault on the victim or any forcible commission of offence by the petitioner. From the statement of the victim, it appears that there is Romeo-Juliet relationship between the petitioner and the victim girl and there is no allegation against this petitioner for any forcible intercourse or any assault made against the victim.



8. In such view of the position, considering the period of incarceration since 04.02.2026, the fact that the petitioner is a student studying in a College, considering the totality of circumstances and the statement given by the victim girl, this Court is inclined to grant bail to the petitioner, subject to the following stringent conditions:

9. 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 **Special Judge, Special Court for Exclusive trial of cases under POCSO Act, Kallakurichi** 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 twice at 10.30 a.m. and 5.30 p.m. until further orders;

[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 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.

11-03-2026

MJS

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 Special Judge, Special Court for Exclusive trial of cases under POCSO Act, Kallakurichi.
2. The Station House Officer, AWPS-Kallakurichi.
3. The Superintendent of Police, Central Prison, Cuddalore.
4. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

MJS

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