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CRL OP No. 4664 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-02-2026

CORAM

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 4664 of 2026

Elumalai
S/o. Madesh,
D.No.4/444, Panchali Nagar Village,
Rayakottai,
Thenkanikottai Taluk,
Krishnagiri District.

..Petitioner(s)

Vs

The State Rep. by,
Inspector of Police,
Mahendramangalam Police Station,
Dharmapuri District.
Crime No.104 of 2025

..Respondent(s)

PRAYER:Criminal Original Petition filed under Section 483 of BNSS Act, 2023, pleaded to enlarge the petitioner on bail in the event of his arrest concern in Crime No.104 of 2025 on the file of Inspector of Police, Mahendramangalam Police Station, Dharmapuri District, on such terms and conditions and as this Honble Court may deem fit and proper and thus render justice.

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.11.2025, for the alleged offence punishable under Section 87 of BNS and section 5(l) and 6(1) of POCSO Act and section 9 of Prevention of Child



Marriage Act, 2206 in Crime No.104 of 2025, on the file of the respondent police, seeks bail.

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2. The allegation against the petitioner is that the petitioner herein is aged about 19 years and developed a contact with the victim girl aged about 16 years and seduced her under the pretext of loving her, kidnapped her to Bangalore and committed aggravated penetrative sexual assault and in the meantime the family members of the victim girl have lodged the complaint and the police have investigated and rescued the victim and registered the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is only aged about 19 years and it is a case of adolescent love and the petitioner is in incarceration from 29.11.2025 and 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 is pending. He has also produced the copy of the statement recorded from the victim girl under section 183(5) of BNS to substantiate the case. Hence, he opposed to grant bail to the petitioner.



5. Considering the fact that the victim girl is aged about 16 ½ years and the petitioner is aged about 19 years and the statement of the victim girl revealed various facts and though it is a case of aggravated penetrative sexual assault considering the fact that final report in this case is filed and considering the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. 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 Special Court for Exclusive Trial of Cases under POCSO Act, Dharmapuri*, and on further conditions that:-

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



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[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.

25-02-2026

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.



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To

1. The Special Court for Exclusive Trial of Cases under POCSO Act,
Dharmapuri.
2. The State Rep. by,
Inspector of Police,
Mahendramangalam Police Station,
Dharmapuri District.
Crime No.104 of 2025
- 3.The Officer, Incharge,
District Jail, Dharmapuri.
- 4.The Public Prosecutor,
High Court, Madras.



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K.RAJASEKAR, J.

MPA

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