



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2026

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THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL A No.232 of 2026

S.Alavudeen
S/o.Sulaiman,
No.624/631,
KNK Road Backside,
Karungalpalayam,
Erode.

..Appellant/Petitioner/
Accused

Vs

1. The Superintendent of Police,
Office of the Superintendent of
Police,
Erode District.
2. The State Rep. by
The Inspector of Police,
Perundurai Police Station,
Erode District.
3. P.Thamizharasi
Social Welfare Officer,
Perundurai Panchayat,
Erode.
4. S.Dharani
D/o.Senthilkumar,
Pallathur Road NH,
Nasiyanur,
Pallathur,
Peppermill Nasiyanur,
Erode Sub District,
Erode - 638 011.

...Respondents/Respondents/
Complainant



Prayer: Criminal Appeal filed under Section 14(a) (2) of Scheduled Caste and Scheduled Tribes Act, 1989, to set aside the order passed by the Learned Sessions, Magalir Neethi Mandram (Fast Track Mahila Court), Erode in Crl.M.P.No. 177 of 2026 dated 09.02.2026 in Spl.S.C.No.9/2026 and enlarge the appellant/accused on bail.

For Appellant : Mr.B.Balavijayan

For Respondents: Mr.S.Balaji
Government Advocate (Crl.Side)
for R1 and R2
Mr.S.Nedunchezhiyan
for R4

JUDGMENT

The appeal challenges the dismissal of the appellant's bail petition filed before the learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Erode.

2. The appellant is an accused in Crime No.455 of 2024 registered for the offences under Sections 5(l), 5(j)(ii) r/w 6 of the POCSO Act and Sections 3(2)(v) and 3(1)(w)(i) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, and was arrested on 02.10.2025. He moved a bail petition before the Trial Court, which came to be dismissed by the impugned order.



3. The case of the prosecution is that the appellant/petitioner/accused had a love affair with the victim girl; and that, on the promise of marriage, the appellant committed penetrative sexual assault.

4. Mr.B.Balavijayan, the learned counsel for the appellant/accused, would submit that originally an FIR was registered on the complaint given by the Social Welfare Officer, Perundurai Panchayat, against one Mr.Sanjay, who is said to have committed penetrative sexual assault on the victim; and that thereafter, on investigation, the appellant/accused was arrested, and the victim girl, who is now aged 20 years, is willing to marry the appellant.

5. The victim girl is present, and Mr.S.Nedunchezhiyan, the learned counsel, is represented by the victim.

6. Mr.S.Balaji, the learned Government Advocate (Crl.Side) for the first and second respondents, on instructions, would submit that the victim was enquired and the victim submitted that she is willing to marry the appellant; and that they had a love affair earlier.



7. The victim, identified by Mr.T.R.Ramesh Kumar, Sub-Inspector of Police, Perundurai Police Station, Erode District, is present in person and would confirm that the victim does not wish to pursue the case against the appellant, as she intends to marry the appellant.

8. Considered the rival submissions and perused the materials on record.

9. Admittedly, the victim is now aged 20 years. Considering the statement of the victim and the fact that the relationship between the appellant and the victim was consensual in nature, this Court is of the view that further custody of the appellant is not required for the purpose of trial. Hence, this Court is inclined to set aside the impugned order and release the appellant on bail on the following conditions.

- (i) The appellant shall execute 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 Judge, Magalir Neethi Mandram (Fast Track Mahila Court) Erode;
- (ii) the appellant shall appear before the second respondent police every day at 10.30 a.m. until further orders, except on the hearing dates before the trial Court;



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- (iii) the appellant and the sureties shall affix their photographs and Left Thumb Impression in the surety bond, and the Trial Court may obtain a copy of their Aadhar card or Bank Pass Book and mobile numbers to ensure their identity;
- (iv) the appellant shall appear before the Trial Court on all hearings;
- (v) the respondent police are directed to ensure that there is no threat to the life and safety of the de facto complainant. In the event of any threat, appropriate steps are to be taken.
- (vi) the appellant shall not commit any offences of similar nature;
- (vii) the appellant shall not abscond either during investigation or trial;
- (viii) the appellant shall not tamper with evidence or witness either during investigation or trial;
- (ix) on breach of any of the aforesaid conditions, the learned Sessions Judge/Trial Court is entitled to take appropriate action against the appellant in accordance with law as if the conditions had been imposed and the appellant released on bail by the learned Sessions Judge/Trial Court himself as laid down by the Hon-ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];
- (x) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.



10. In view of the above, the impugned order dated 09.02.2026 passed in
Crl.M.P.No.177 of 2026 by the learned Sessions Judge, Magalir Neethi
Mandram (Fast Track Mahila Court), Erode, is set aside, and the Criminal
Appeal is allowed.

26-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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Note: Issue order copy on 27.02.2026



To

1. The Sessions Judge,
Magalir Neethi Mandram
(Fast Track Mahila Court)
Erode.
2. The Superintendent of Police
Office of the Superintendent of Police,
Erode District.
3. The Superintendent of Prison,
Central Prison, Coimbatore.
4. The Inspector of Police
Perundurai Police Station,
Erode District.
5. The Public Prosecutor
High Court of Madras,
Chennai – 600 104.



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SUNDER MOHAN, J.

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