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CRL OP No. 6080 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 6080 of 2026

Sathish
S/o.Arumugam,
No.10, C Block,
Rajammannar Salai,
Navarathana Coloby,
KK Nagar, Chennai - 600 078.

..Petitioner(s)

Vs

State rep by The Inspector of Police
W35 All Women Police Station,
Koyambedu,
Chennai District.
Crime No. 25 of 2025.

..Respondent(s)

To enlarge the petitioner on bail pending investigation in Cr.No.25 of 2025 on the file of the respondent police.

For Petitioner(s): Mr.V.R.Appaswamee

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.12.2025 for the offences punishable under Sections 87, 115(2) and 351(3) of BNS, 2023 r/w Section 5(1) and 6(1) of POCSO Act, 2012 in Crime No.25 of 2025, registered on the file of the respondent police, seeks bail.



2. It is the case of the prosecution that the petitioner herein got acquaintance with the victim girl, who is aged about 17 years and seduced the victim girl that he is likely to get divorce from his wife soon and he would marry her; that thereby committed penetrative sexual assault on the victim girl several times; that thereafter, the petitioner cheated the victim girl and also assaulted her. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the victim are relatives. He would further submit that the petitioner has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution. He would further submit that it is a consensual relationship and the petitioner is under incarceration since 08.12.2025. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and sought for bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the bail to the petitioner, reiterated the prosecution case and submitted that under the pretext of marrying the victim girl, who is a college going student, the petitioner had committed penetrative sexual assault on her. He would further submit that the investigation has been completed and the statement of the victim girl is also recorded. He would also



submit that the earlier bail application filed by the petitioner in Crl.O.P.No.2823 of 2026 has been dismissed by this Court on 06.02.2026. Hence, he would vehemently oppose for the grant of bail to the petitioner.

5.From the submissions made by the learned Government Advocate, the age of the victim girl, at the time of occurrence, was 17 years. The learned Government Advocate has produced the statement given by the victim girl before the Judicial Magistrate concerned under Section 183 of BNSS, 2023. From the perusal of the said statement, though the victim had stated about the sexual relationship with the petitioner, there were no *prima facie* materials against the forcible sexual assault and even according to the victim, she had given a complaint since because the accused has assaulted her, which resulted in giving the complaint under the POCSO Act.

6.At this juncture, the learned Government Advocate would submit that the investigation has also been completed. Therefore, taking into consideration of the statement given by the victim girl before the Judicial Magistrate concerned under Section 183 of BNSS, 2023, and also considering the fact that the petitioner is under incarceration since 08.12.2025, this Court is inclined to enlarge the petitioner on bail with stringent 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 Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai**, 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 for a period of four weeks and thereafter, daily once at 10.30 a.m for a period of 2 weeks and thereafter 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 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.

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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, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai.
2. The The Inspector of Police, W35 All Women Police Station, Koyambedu, Chennai District.
3. The Superintendent of Police, Central Prison at Puzhal – II, Chennai.
4. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

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