



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 5348 of 2026

Dhanapal

..Petitioner(s)

Vs

State by
Inspector of Police,
All Women Police Station,
Perur, Coimbatore District.
Cr.No.2 of 2026.

..Respondent(s)

Prayer: This criminal original petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, to enlarge the petitioner on anticipatory bail in the event of arrest in Cr.No.2 of 2026 dated 09.02.2026 on file of the All Women Police Station, Perur, Coimbatore District.

For Petitioner(s): Mr.A.Lakshminarayana

For Respondent(s): Mr.P.Dhileepan,
Government Advocate (Crl.Side)

ORDER

The petitioner apprehends arrest for the alleged offence under Sections 5(i), 5(j)(ii), 6 of Protection of Children from Sexual Offences Act and Sections 87, 127(2), 65(1) of BNS, in Crime No.2 of 2026 on the file of the respondent police seek anticipatory bail.

2.The case of the prosecution is that the petitioner and the victim are in



love affair and during the course of which time, the victim became pregnant. Since the victim is aged below 18 years, the present complaint has been registered against the petitioner.

3. The learned counsel appearing for the petitioner submits that the petitioner has been falsely implicated in this case. He further submits that the petitioner is ready and willing to abide by any conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police while opposing grant of anticipatory bail to the petitioner, he submitted that the de facto complainant has sexually assaulted the victim who is aged only 16 years. He further submits that the investigation has been completed.

5. I have given anxious consideration to the submissions made by the learned counsel on either side and also perused the materials available on record.

6. Though the offence charged against the petitioner is serious in nature, the learned counsel for the petitioner at this juncture submitted that the petitioner and the victim were in a love affair for a long period and that the



petitioner is also aged about 20 years. It is further submitted that due to their adolescent relationship, the de facto complainant became pregnant.

WEB COPY

7. This Court has perused the statement given by the victim, wherein there is no allegation of sexual assault by the petitioner. It is also seen from the said statement that the petitioner and victim had lived together as husband and wife. No doubt, the consent of a minor cannot be taken as a defence to escape the rigour of the POCSO Act, however, the age of the petitioner is also a relevant factor, as he is only 20 years. Therefore, on a harmonious reading of Section 183 of BNSS statement, in the backdrop of the age of the victim, who is 16 years, and the age of the petitioner, who is 20 years, this Court is of the view that, notwithstanding the provisions of the POCSO Act, there is no allegation of any serious sexual assault by the petitioner.

8. In view of the above peculiar facts and circumstances of the case, and considering the fact that the investigation has already been completed, the Court is of the opinion that the custodial interrogation of the petitioner is not required. Hence, the petitioner is enlarged on anticipatory bail, subject to certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date



on which the order copy is made ready, before the **learned Special Sessions Judge to deal with POCSO Act cases of Coimbatore**, on condition that the **petitioner 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 Magistrate concerned, and on further conditions:

(a) If the petitioner fails to surrender before the concerned learned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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 identify proofs to ensure their identity;

(c) the petitioner shall report before the respondent police everyday at 10.30 a.m. and 5.30 pm., for a period of four weeks and thereafter, as and when required for interrogation;

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]*;



(e) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

WEB COPY

12-03-2026

rap

To

1. The Special Sessions Judge to deal with POCSO Act cases of Coimbatore.
2. The Inspector of Police,
All Women Police Station,
Perur, Coimbatore District.
3. The Public Prosecutor,
High Court, Madras.



WEB COPY

CRL OP No. 5348 of 2



C.KUMARAPPAN, J.

rap

CRL OP No. 5348 of 2026

12-03-2026