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CRL OP No. 5644 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 5644 of 2026

Guru @ Sivaguru

..Petitioner(s)

Vs

The State rep.by,
The Station House Officer,
Thirubuvanai Police Station,
Thirubuvanai,
Pondicherry-605107.
Cr.No.17/2026.

..Respondent(s)

Prayer:- Criminal Original Petition is filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail who is presently in judicial custody in Cr.No.17 of 2026 on the file of the respondent police.

For Petitioner(s): M/s.S.Balamuki
Adithiyan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.01.2026 for the alleged offences under Section 87 of BNS Act, 2023, Section 4 of the Protection of Children from Sexual Offence Act, 2012, in Crime No.17 of 2026 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that the petitioner committed sexual assault on the defacto-complainant. Hence the case.

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3. The learned counsel for the petitioner submitted that the petitioner is innocent and has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody since 27.01.2026. 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 produced the Section 183 statement recorded before the learned Judicial Magistrate, Puducherry, on 02.03.2026. Hence, he opposed for grant of bail to the petitioner.

5. According to the above statement, though there are certain objectionable act done by the petitioner, this Court could not find any serious sexual assault against the victim. Considering the 183 statement of the victim, and also considering the fact that petitioner is under incarceration since 27.01.2026, and upon the fact that investigation also might have been completed at this juncture, this Court is inclined to grant bail to the petitioner with certain conditions.



6. 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) each, with two sureties each for a like sum to the satisfaction of the **Fast Track Court for Offences under POSCO Act, Puducherry**, and subject to the following conditions:

[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 stay at Virudhunagar and report before the Virudhunagar Bazaar Police Station in the morning at 10.30 AM and evening at 5.30 PM 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 take appropriate action against the petitioner in accordance with law as if the conditions had been imposed and the petitioner released on bail by the learned Magistrate/Trial Court itself, as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]***;



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[f] if the petitioner thereafter abscond, a fresh FIR may be registered under Section 269 of the Bharatiya Nyaya Sanhita, 2023.

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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.



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C.KUMARAPPAN, J.

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To

1.The Fast Track Court for offences under
POCSO Act, Puducherry.

2.Kalapet Central Jail, Puducherry.

3.The Station House Officer,
Thirubuvanai Police Station,
Thirubuvanai,
Pondicherry-605107.

4.The Public Prosecutor
High Court of Madras.

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