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CRL OP No. 5795 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 5795 of 2026

Sunilthivagar S/o. Ravichandran,
No.72, Emmauvel South Street,
Kumapatti Village - 626 133.
Watrap Taluk,
Viruthunagar District.

..Petitioner(s)

Vs

State represented by:

The Inspector of Police,
Kottaipatti Police Station,
Arur Taluk,
Dharmapuri District.
Cr.No.176/2025.

..Respondent(s)

PRAYER: The Criminal Original Petition has been filed under Section 483 of B.N.S.S. praying to enlarge the petitioner on bail in Cr.No.176 of 2025 on the file of the respondent of Police.

For Petitioner(s): Mr. Muneeswaran. M

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.12.2025 for the alleged offences under Section 87 of B.N.S. and Sections



5(l) and 6(1) of POCSO Act in Crime No.176 of 2025 on the file of the respondent police, seeks bail.

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2. The *case of the prosecution* is that the petitioner, aged 18 years, committed aggravated sexual assault on a minor victim girl, aged about 16 years. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that both the petitioner and the victim girl are in love affair and the same was objected by the parents of the victim and hence this false case has been registered against the petitioner and the petitioner is ready to abide by any condition that may be imposed by this Court and hence prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal side) appearing for the respondent police reiterated the prosecution case. Though the learned Government Advocate strongly opposed the bail application, he fairly submits that both the petitioner and the victim girl were in love affair. He has also produced the copy of the statement recorded under Section 183(5) of B.N.S.S.



5. I have given anxious consideration to the submissions made by the learned counsel on either side.

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6. The contention of the learned counsel appearing for the petitioner is that both the petitioner and the victim girl are in love affair and since the victim girl has eloped with the petitioner, the defacto complainant has given a criminal complaint and in furtherance of which, the victim girl was secured and this case has been registered against the petitioner. The learned counsel for the petitioner would further submit that the petitioner has been under incarceration since 28.12.2025, that he is a polytechnic student and the relationship between the petitioner and the victim is likely a Romeo-Juliet relationship and therefore, the petitioner may be released on bail. At this juncture, the learned Government Advocate (Criminal side) has submitted the statement recorded under Section 183(5) of B.N.S.S. before the learned Judicial Magistrate, Arur on 09.01.2026. On a perusal of the above statement, this Court could not find any forcible sexual assault against the victim girl and on a harmonious reading of the same, it only shows that there is adolescent love affair between the petitioner and the victim girl.

7. In such view of the position, considering the period of incarceration since 28.12.2025, the totality of circumstances and the statement given by the victim girl, this Court is inclined to grant bail to the petitioner, subject to the following stringent conditions:



8. 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 **Special Judge, 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 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 two weeks and thereafter as and when required by the respondent police**

[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.

11-03-2026

MJS

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 Special Judge, Special Court for Exclusive trial of cases under POCSO Act, Dharmapuri.
2. The Inspector of Police, Kottaipatti Police Station, Arur Taluk, Dharmapuri District.
3. The District Prison, Dharmapuri.
4. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

MJS

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