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CRL OP No. 6777 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2026

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THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 6777 of 2026

1. M Mathivanan
2. Eswari
3. Ramaraj
4. Malathi

..Petitioner(s)

Vs

State Rep.by, The Inspector of Police,
J-13, Tharamani Police Station,
Chennai-113.
(Crime No.28 of 2026)

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023 to grant an order of anticipatory bail in the event of their arrest by the respondent and enlarge the petitioners on bail in connection with Crime No.28 of 2026 on the file of the respondent herein.

For Petitioner(s): Mr.Gajendran Ravi

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

ORDER

The petitioners apprehend arrest for the alleged offence under Sections 296(b), 115(2), 74, 351(2) of BNS r/w. Section 4 of Tamil Nadu Prohibition of



Harassment of Women Act, 2002 and Section 7 r/w. 8 of POCSO Act in Crime
No.29 of 2026 on the file of the respondent police seek anticipatory bail.

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2. It is the case of the prosecution that the de facto complainant's father had some illicit relationship with the fourth accused. In this connection due to an altercation between the de facto complainant's family and the petitioners, the victim sustained injury and was admitted in the hospital. Hence, the present case.

3. The learned counsel for the petitioners submit that this is an issue in respect of the victim's parents and these petitioners. He further submits that the petitioners have been falsely implicated in this case. He further submits that even as per the First Information Report, there is no specific overtact against these petitioners, except one Mari who was subsequently arrested and remanded to judicial custody. He further submits that though the occurrence had taken place on 01.02.2026, the First Information Report was registered on 03.02.2026 and that the injury sustained by the victim is only simple in nature and she has also been discharged from the hospital. Hence, he prayed to grant anticipatory bail to the petitioners.

4. The said contention was objected by the learned Government Advocate (Crl.Side) appearing for the respondent who would submit that the victim has



stated about nature of injury and when there is an ingredient to attract the POCSO Act, enlarging the petitioners on anticipatory bail would cause trauma to the health and welfare of the victim girl. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent.

6. While looking at the First Information Report, this Court could not find any allegation in respect of POCSO Act against these petitioners, however, there is a specific overtact against one Mari who was subsequently arrested and remanded to judicial custody. Considering the fact that the victim has been discharged from hospital, and also considering the totality of the circumstances and the nature of the allegation against these petitioners, at this length of time, the custodial interrogation of the petitioners is not required and apart from that the petitioners 2 and 4 are women. Hence, this Court is inclined to enlarge the petitioners on anticipatory bail subject to certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **Special Court for exclusive trial of cases under POCSO Act, Chennai**, on condition that the



petitioners shall execute a bond for a sum of Rs.25,000/- each (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 petitioners fail 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 petitioners shall report before the respondent Police, daily at 10.30 a.m., and 5.30 p.m until further orders;

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 petitioners thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

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To

1. The Special Court for exclusive trial of cases under POCSO Act, Chennai

2. The Inspector of Police,
J-13 Tharamani Police Station,
Chennai-113.
(CrimeNo.28 of 2026)

3. The Public Prosecutor,
High Court, Madras.



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C.KUMARAPPAN, J.

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