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Crl.O.P.No.8601 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2026

CORAM

THE HONOURABLE Mr. JUSTICE C.KUMARAPPAN

Crl.O.P.No.8601 of 2026

M.Mohammed Afaan

... Petitioner

Vs.

State represented by
The Inspector of Police,
Pernampet,
Vellore District.
Crime No.83 of 2026

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, to enlarge the petitioner on bail in the event of his arrest by the respondent police in the above Cr.No.83 of 2026 on the file of the respondent.

For Petitioner : Mr.G.Nirmal Krishnan
For Respondent : Mr.P.Dhileepan
Government Advocate (Crl.Side)

ORDER

The petitioner apprehends arrest for the alleged offence under Sections 5(1), 5(j)(ii), 6(1) of Protection of Child from Sexual Offences Act, 2012 and Section 64(2)m of BNS Act, 2023 , in Crime No.83 of 2026 on the file of the respondent police seeks anticipatory bail.



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2. The allegation against the petitioner is that the petitioner, who is aged about 18 years had committed penetrative sexual assault against the minor victim girl aged about 17 years. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the relationship between the petitioner and the victim girl were in consensual relationship for quite some time . He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and produced the statement of the victim girl recorded under Section 183 of BNSS and would also submit that the petitioner and the victim girl were in relationship for quite longer time and they were involved in physical relationship during August 2025.

5. On harmonious reading of the statement of the victim girl, this Court does not find any forcible sexual assault and it could only be termed as adolescent relationship and hence taking into consideration of the totality of the circumstances and considering the age of the petitioner being 18 years



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and upon further considering the fact that there is no serious allegation except having consensual relationship with the victim girl, who is aged about 17 years and the nature of offences only discloses consensual relationship, and since further custody of the petitioner is no more required, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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 Court for Exclusive Trial of Cases under POCSO Act, Vellore**, 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



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of identify proofs to ensure their identity;

(c) The petitioner shall report before the respondent police twice daily at 10.30 and 05.30.p.m., for a period of 30 days and thereafter as and when required;

(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.

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To

1. Special Court for Exclusive Trial of Cases under POCSO Act, Vellore.

2.The Inspector of Police,
Pernampet,
Vellore District.

3.The Public Prosecutor,
High Court of Madras.

C.KUMARAPPAN.J.



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