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CRL OP No. 8853 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 8853 of 2026

Hussain Ahmed

..Petitioner

Vs

The State Rep.by,
The Inspector of Police,
All Women Police Station,
Sankari,
Salem District.
Crime No. 15 of 2026

..Respondent

Prayer: Criminal Original Petition filed under section 482 of BNSS to enlarge the petitioner on bail in the event of arrest by the Respondent Police in Crime No.15 of 2026 on the file of the Inspector of Police, All Women Police Station, Sankari, Salem District or in any other Crime Number that may be substituted or altered in respect of the same set of allegations, for the alleged offence under Section 23(4) of the POCSO Act.

For Petitioner:

Mr.S.P..Sasikumar

For Respondent:

Mr.P.Dhileepan
Government Advocate (Crl.Side)

ORDER

The petitioner apprehends arrest for the alleged offence under Section 23(4) of the POCSO Act in Crime No.15 of 2026 on the file of the respondent



police seeks anticipatory bail.

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2. The case of the prosecution is that a video has been uploaded on the social media regarding the suicide of a deceased child, who was allegedly subjected to sexual assault by a third party. Hence, this case.

3. The learned counsel for the petitioner submitted that the allegation against the petitioner is that he has disclosed the identity of the child victim in the social media. Except that, there is no serious allegation against him. He further submitted that the petitioner was innocent and that he has been falsely implicated in this case. He further submitted that he is ready to abide by any stringent condition that may be imposed by this Court and he is ready to co-operate for investigation. 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 hence, he opposed to grant anticipatory bail to the petitioner.

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



6. Considering the facts and circumstances of the case and taking into consideration of the totality of the circumstances, the nature of allegation against the petitioner and overt act played by the petitioner, this Court is of a firm view that custodial interrogation of the petitioner is not required. Hence, this Court is inclined to enlarge the petitioner on anticipatory bail subject to certain conditions.

7. 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 Sessions Judge, Special Court for the Exclusive trial of POCSO Act Cases, Salem**, on condition that **the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty 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;



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(c) The petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of two 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.

08-04-2026

SHL

To:

1. The Sessions Judge, Special Court for the Exclusive trial of POCSO Act Cases, Salem

2. The Inspector of Police,
All Women Police Station,
Sankari,
Salem District.

3. The Public Prosecutor
High Court of Madras



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C.KUMARAPPAN J.

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