



WEB COPY

CRL OP No. 9886 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 9886 of 2026

Venkatachalam

..Petitioner

Vs

State Represented by;
The Inspector of Police,
All Women Police Station,
Omalur, Salem District.
(Crime No.49 / 2025)

..Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest in Crime No.49 of 2025 on the file of the Respondent/Complainant.

For Petitioner: Mr.T.M.Ramalingam

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

ORDER

The petitioner apprehends arrest for the alleged offence under Sections 126(2), 296(b), 351(2) of Bharatiya Nyaya Sanhita, 2023 and Section 11(i) r/w 12 of POCSO Act, 2012 in Crime No.49 of 2025 on the file of the respondent police seeks anticipatory bail.



2. The case of the prosecution is that the petitioner and others accused persons made a sexual harassment with obscene words with minor child. Hence the case was registered.

3. The learned counsel for the petitioner submitted that the petitioner has been enlarged on anticipatory bail on 08.08.2025, however, there was a direction by this Court to surrender before the Court within fifteen days. Since he was not in a position to surrender before the Court within fifteen days, anticipatory bail was cancelled. The reason for not surrendering is that the petitioner was suffering from jaundice. 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. From the submission made by the learned counsel for the petitioner, it is seen that the petitioner was suffering from jaundice but admittedly, no



records were produced before this Court. However, this Court has already considered all the aspects and ultimately granted bail to the petitioner. Hence, this Court is inclined to enlarge the petitioner on anticipatory bail. Taking into consideration of the conduct of the petitioner, this Court is inclined to enlarge the petitioner on anticipatory bail by imposing stringent 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 Special Court for exclusive Trial of Cases under POCSO Act, 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;

(c) **The petitioner is directed to make a non-refundable deposit of Rs.10,000/- [Rupees Ten Thousand Only] directly**



to the credit of “Tamil Nadu Advocate’s Clerk’s Association, Account No.484026006, Indian Bank High Court Branch, IFSC Code: IDIB000M157” within a period of two weeks without prejudice to the right of the defence before the Trial Court and the receipt shall be produced at the time of executing the bond;

(d) The petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of thirty days and thereafter, as and when required for interrogation;

(e) 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];

(f) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

21-04-2026

SHL



To

1. The Inspector of Police, All Women Police Station,
Omalur, Salem District.
2. The Public Prosecutor, High Court of Madras.
3. The Special Court for Exclusive Trial of Cases under POCSO Act,
Salem.



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C.KUMARAPPAN, J.

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