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CRL OP No. 9825 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 9825 of 2026

Vinoth

..Petitioner

Vs

The State rep. by
The Inspector of Police
Selaiyur - All Women Police Station AWPS,
Chengalpattu District.
(Crime No.5 of 2026)

..Respondent

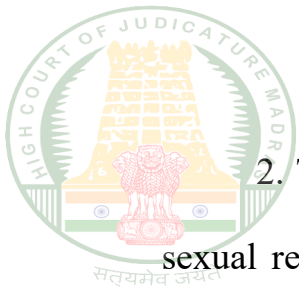
Prayer: Criminal Original Petition filed under section 483 of BNSS to enlarge the petitioner on bail in Crime No.5 of 2026 pending investigation on the file of the respondent.

For Petitioner: Mr.E.Sathiyaraj

For Respondent: Mr.S.Vinoth Kumar,
Govt Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.02.2026 for the alleged offence under Section 64(2)(f) of BNS Act (Corresponding Section 376(2)(l) of IPC) and 5(l), 5(j)(ii), 5(n) r/w 6 of POCSO Act in Crime No.5 of 2026 on the file of the respondent police, seeks bail.

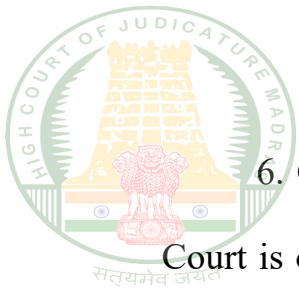


2. The case of the prosecution is that the petitioner, being a relative, had sexual relationship with the minor victim girl on two occasions and she later became pregnant and complaint was lodged.

3. The learned counsel appearing for the petitioner submitted that the petitioner and the victim girl were in love relationship and the same was known to both families. It is further submitted that the complaint has been lodged due to refusal of marriage by the parents. The learned counsel would further submit that the petitioner is aged about 23 years and the victim girl is aged about 16 years and there was no force involved. It is also submitted that the petitioner has been in incarceration since 20.02.2026 and investigation has been completed. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the occurrence took place on two occasions and the 183 statement of BNSS was recorded by the judicial Magistrate on 25.03.2026, wherein allegations have been made against the petitioner. Hence, he opposed to grant bail to the petitioner.

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



6. Considering the submission of the learned counsel on either side, this Court is of the view that while perusing the 183 statement of B.N.S.S., though there are certain allegations made against this petitioner, this Court is able to find substantial indication so as to say that the relationship between the petitioner and the victim is in the nature of adolescent relationship. This Court could not find any forcible sexual assault and taking into consideration the age of the petitioner being 23 years and the age of the victim being 16 years and upon the fact that the investigation has been completed and considering the period of incarceration undergone by the petitioner since 20.02.2026, this Court is inclined to grant bail to the petitioner. subject to certain conditions.

7. 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 for a like sum each to the satisfaction of the learned **Special Court for Exclusive Trial of Cases under POCSO Act, Chengalpattu**, and subject to the following conditions:

[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 twice a day at 10.30 a.m. and 05.30 p.m., until



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further orders;

[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 take appropriate action against the petitioners in accordance with law as if the conditions had been imposed and the petitioners released on bail by the learned Magistrate/Trial Court itself, as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]*;

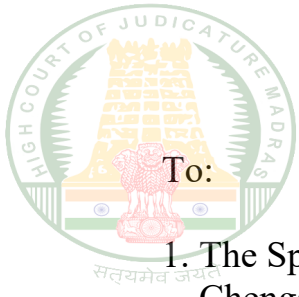
[f] if the petitioner thereafter abscond, a fresh FIR may be registered under Section 269 of the Bharatiya Nyaya Sanhita, 2023.

20-04-2026

NSL

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 Court for Exclusive Trial of Cases under POCSO Act,
Chengalpattu.
2. The District Jail, Chengalpattu.
3. The Inspector of Police
Selaiyur - All Women Police Station AWPS,
Chengalpattu District.
4. The Public Prosecutor, High Court of Madras

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C.KUMARAPPAN, J.

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