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CRL OP No. 9993 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. 9993 of 2026

Umamaheashwari W/o Sanjaygandhi,
Kaliyamman Kovil Street,
Seeralur, Thanjavur District

..Petitioner(s)

Vs

State represented by:

The Inspector of Police
All Women Police Station- Thiruthuraipoondi,
Tiruvarur District.
[Crime No.01 of 2026]

..Respondent(s)

PRAYER: The Criminal Original Petition has been filed under Section 483 of B.N.S.S. praying to enlarge the petitioner on bail pending investigation of the case in the Crime No.01 of 2026 on the file of the respondent.

For Petitioner(s): M/S. M.Vijaya Ragavan

For Respondent(s): Mr. S. Vinoth Kumar,
Government Advocate (Criminal side).

ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.02.2026 for the alleged offences under Section 5(l) read with 6 of POCSO Act and Section 9 of Prohibition of Child Marriage Act in Crime No.1 of 2026 on the file of the respondent police, seeks bail.



2. The *case of the prosecution* is that A1 and the victim girl had known to each other and A1 kidnapped the victim girl and had taken her to his sister's house, who is the petitioner herein and the A1 has committed aggravated penetrative sexual assault on the victim girl. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is none other than the sister of A1 and that she has been under incarceration since 27.02.2026 and there is no specific allegation as against this petitioner and hence prays for grant of bail to the petitioner.

4. At this juncture, the learned Government Advocate (Criminal side) appearing for the respondent police has submitted the statement of the victim girl recorded under Section 183 of B.N.S.S.

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

6. In the statement of the victim under Section 183 of B.N.S.S., the victim girl has stated about her adolescence relationship with the brother of the petitioner / A1 and there are no serious allegations against this petitioner to implicate her under the relevant provisions of the POCSO Act. Therefore, taking into consideration of the totality of circumstances, specifically upon the



fact that in the statement recorded under Section 183 of B.N.S.S. given by the victim girl, there are no specific allegations against this petitioner under the relevant provisions of POCSO Act and also upon the fact that this petitioner, being a woman, has been under incarceration since 27.02.2026, this Court is inclined to enlarge the petitioner on bail, subject to the following stringent 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 each, for a like sum to the satisfaction of the **learned Sessions Judge, Fast Track Mahila Court, Tiruvarur** and on further conditions that:

[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 sign before the respondent police daily at 10.30 a.m. and 5.30 p.m. for a period of 30 days and thereafter as and when required for interrogation.

[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 pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]:

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

21-04-2026

MJS

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 Sessions Judge, Fast Track Mahila Court, Tiruvarur.
2. The Inspector of Police, All Women Police Station- Thiruthuraipoondi, Tiruvarur District.



3. The Sub Jail for Women, Tiruvarur.
4. The Public Prosecutor, High Court of Madras.

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C.KUMARAPPAN, J.

MJS

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