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CRL OP No. 9851 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. 9851 of 2026

Azarudeen

..Petitioner

Vs

State rep by,
Inspector of Police
All Women Police Station,
Thiruthuraipoondi,
Thiruvarur District. (Crime No.2 of 2026)

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No.2
of 2026 on the file of respondent police, pending investigation.

For Petitioner:

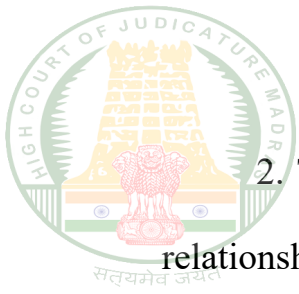
Mr.Swamisubramanian

For Respondent:

Mr.S.Vinoth Kumar,
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on
15.02.2026 for the alleged offence under Sections 5(l), 5(j)(ii) r/w Section 6 of
POCSO Act, 2012 in Crime No.2 of 2026 on the file of the respondent police,
seeks bail.



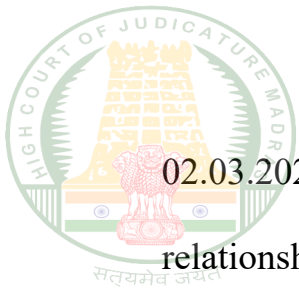
2. The case of the prosecution is that the petitioner allegedly had sexual relationship with the victim on promise of marriage and later refused, after which complaint was lodged.

3. The learned counsel appearing for the petitioner submitted that the petitioner is aged about 23 years and the victim girl is aged about 15 years and the relationship was consensual in nature. It is further submitted that the complaint was lodged only after delay and after pregnancy suspicion. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that as per the 183 statement of the BNSS, allegations have been made against the petitioner. It is further submitted that there is no previous case is pending against the petitioner. However, 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 the petitioner is aged about 23 years and the victim girl is aged about 15 years and as per the 183 BNSS statement recorded on



02.03.2026, this Court could not find sufficient material to say that the relationship is one of forcible sexual assault and it appears to be in the nature of adolescent relationship. Taking into consideration the age of the petitioner and the victim, the fact that investigation has been completed and charge sheet has been filed and upon the fact that the petitioner has been in incarceration since 13.02.2026, this Court is inclined to grant bail, 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 **Sessions Judge, Fast Track Mahila Court, Thiruvavarur**, 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 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;



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[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.

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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, Thiruvavarur.
2. The District Prison, Nagapattinam
3. The Inspector of Police, All Women Police Station, Thiruthuraipoondi, Thiruvavarur District.
4. The Public Prosecutor, High Court of Madras



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C.KUMARAPPAN, J.

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