



WEB COPY

CRL OP No. 11390 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-05-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

CRL OP No. 11390 of 2026

Yogeshwaran
S/o.Neelamegam

..Petitioner

Vs

State represented by
The Inspector of Police,
Vandavasi South Police station,
Vandavasi.
(Crime No.261 of 2023)

..Respondent

Prayer : Criminal Original Petition filed under Section 483 of BNSS, 2023, seeking to enlarge the petitioner on bail pending trial in Spl.S.C.No.1 of 2024 on the file of the Special Court for Exclusive Trial of Cases under the POCSO Act, Tiruvannamalai at Tiruvannamalai District, on such terms and conditions as this Court may deem fit and proper.

For Petitioner	:	Mr.R.Vijayakumar
For Respondent	:	Mr.R.Vinothraja Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.09.2023 for the alleged offence under Section 363, 366, 302, 376(2)(N) IPC and Sections 5(1) r/w 6 of POCSO Act, 2012, in Crime No.261 of 2023, on the file of the respondent police, seeks bail.



2. It is the case of the prosecution that the petitioner is aged 22 years and the victim is aged 15 years; that the victim was found missing on 23.09.2023 and a case was registered for girl missing; that later, it was found that the petitioner had abducted the victim, committed penetrative sexual assault and thereafter caused her death.

3. This is the fifth bail application filed by the petitioner. The previous bail applications filed him were dismissed by this Court, taking into consideration the gravity of offence committed by the petitioner, and the fact that investigation was completed and charge sheet was filed in Spl.S.C.No.1 of 2024 and also considering the fact that the trial is currently underway.

4. Learned counsel for the petitioner submitted that the petitioner is in custody from 25.09.2023; that the allegation of sexual assault prior to causing death, is not established; that the case is based on circumstantial evidence and that there is no evidence to show that the petitioner has caused the death of the victim girl and the entire case has been projected as if the petitioner had committed sexual assault and caused the death of the victim child. He further submits that since the trial is yet to be concluded and also considering the period of incarceration, the petitioner may be released on bail.

5. Learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and on instructions, submitted that the



prosecution has filed a petition u/s 311 Cr.P.C. to recall the witnesses and the trial is likely to be concluded in the near future. Since the present petition is the fifth bail application, he prayed for dismissal of this petition.

6. Heard both sides and perused the materials available on record.

7. Considering the rival submissions made by the learned counsel on either side, the nature of the offences, considering the fact that already the entire prosecution witnesses were examined and now, the case is posted for hearing the petition filed by the prosecution u/s 311 Cr.P.C., and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

[a] Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the **Special Court for Exclusive Trial of Cases under the POCSO Act, Tiruvannamalai**, and on further conditions that:-

[b] the petitioner shall report before the Trial Court on all working days at 10.30 a.m., until further orders;

[c] the petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the petitioner shall not abscond either during investigation or trial;



[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the 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)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

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Index: Yes/No

Internet: Yes/No

Speaking/Non Speaking order

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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 Special Court for Exclusive Trial of Cases under the POCSO Act,
Tiruvannamalai.
2. The Public Prosecutor,
Madras High Court, Chennai.
3. The Inspector of Police,
Vandavasi South Police station,
Vandavasi.
4. The Superintendent of Police,
Central Prison, Vellore.



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P.DHANABAL, J.

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