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CRL OP No. 11971 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. 11971 of 2026

Thoulathkhan @ Thawlathkhan

..Petitioner(s)

Vs

State Rep. by
Station House Officer,
All Women Police Station-Thirukoilur,
Kallakurichi District.
in Crime No.18 of 2026

..Respondent(s)

Criminal Original Petition filed under Section 483 of BNSS to enlarge the petitioner on bail in Cr.No.18 of 2026 on the file of the respondent police and thus render justice.

For Petitioner(s): Ms.R.Raji

For Respondent(s): Mr.R.Vinothraja,
Government Advocate (Crl. Side)

ORDER

The petitioner/accused, who was arrested and remanded to judicial custody on 27.03.2025, for the offences under Sections 7 and 8 of the POCSO Act, in Crime No.18 of 2026 on the file of the respondent Police, seeks bail.



2. The case of the prosecution is that the victim girl is aged about 17 years studying 12th Std., and the petitioner is the father of the victim girl. On 05.05.2023 at about 10.00 p.m., when the victim girl was sleeping, her father/petitioner touched her breast and she immediately slapped his hand away. Fearing that it would be considered shameful, the victim initially remained silent at home. However, taking advantage of the same, when the petitioner continued to view her with predatory gaze, the petitioner finally confided to her mother and her elder brother about the situation. When the same was confronted to the petitioner, he asked them to adjust with the same or else they should get out of the house. Thereafter, the matter was reported to the child helpline and consequently, the prosecution case.

3. Learned counsel for the petitioner would submit that the *de facto* complainant is the mother of the victim girl and due to matrimonial dispute, a false complaint has been lodged against the petitioner. Even the *de facto* complainant is not interested to proceed with the case. The statement of the victim girl under Section 183 BNSS has been recorded. The petitioner is innocent and has nothing to do with the allegations made in the complaint. The learned counsel would further submit that the petitioner is in incarceration for more than a month and he is ready to abide by any condition and present himself before the Court as and when directed. Hence, he prays for grant of bail.



4. *Per contra*, Mr.R.Vinothraja, Government Advocate (Crl. Side) appearing for the respondent Police, would submit that the petitioner, being the father of the victim girl, has committed sexual assault on her daughter and threatened her of dire consequences. Now, investigation is complete and final report is also ready. Hence, he opposes for grant of bail.

5. Heard the learned counsel on either side and perused the entire materials on record.

6. Considering the rival submissions and nature of offence and also considering the relationship between the parties and also considering the fact that the investigation is now complete and also having regard to the period of incarceration undergone by the petitioner from 27.03.2025, I am inclined to grant bail to the petitioner subject to the following conditions:

[a] the petitioner is ordered to be released on bail on condition to execute 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 learned Judicial Magistrate No.1, Kallakurichi, and on further conditions that:

[b] the petitioner shall report before the concerned POCSO Court daily at 10.30 a.m. for 30 (thirty) days.

[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 229A IPC.

13-05-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

MKN

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 Judicial Magistrate No.1,
Kallakurichi.
- 2.The Station House Officer,
All Women Police Station-Thirukoilur,
Kallakurichi District.
Crime No.18 of 2026
- 3.The Public Prosecutor,
High Court, Madras.
- 4.The Superintendent,
Central Prison,
Cuddalore.



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P.DHANABAL J.

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