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CRL OP No. 12428 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. 12428 of 2026**

Sakthivel

..Petitioner(s)

Vs

The Inspector of Police  
All Women Police Station,  
Tirupattur,  
Tirupattur District.  
Crime No. 41/2025.

..Respondent(s)

**PRAYER:** - The Criminal Original Petition is filed under Section 483 of B.N.S.S., praying to enlarge the petitioner on bail in Spl.S.C.No.28/2026 pending Trial on the file of the Learned Court of Sessions Division of Tirupattur, Tirupattur District

For Petitioner(s): Mr.E.Kannadasan

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

### **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 15.12.2025 for the alleged offence under Sections 5(1), 5(j)(ii) r/w 6 of POCSO Act and Sections 64(2)(m), 65(1) and 351(2) of BNS, 2023, in in Spl.S.C.No.28 of 2026, on the file of the Court of Sessions Division of Tirupattur, Tirupattur



District, seeks bail.

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2. The case of the prosecution is that the petitioner, who is a married man, had committed aggravated penetrative sexual assault on the victim girl aged about 15 years, resulted in pregnancy and the fetus was also aborted and that the petitioner also threatened her not to disclose to anyone about the same. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner has been under incarceration since 15.12.2025 and that this is the fifth bail application filed by the petitioner and the earlier bail applications were dismissed by this Court. The learned counsel would submit that the petitioner is innocent and he disputes the relationship with the victim. He would further submit that the petitioner is in incarceration for nearly five months and therefore, prays for grant of bail.

4. However, the learned Government Advocate would strongly oppose the bail application and produced the statement of the victim girl recorded under Section 183 of BNSS, 2023, by the Magistrate on 19.12.2025. The learned Government Advocate further submitted that DNA report is awaited.

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



6. Considering the rival submissions and the nature of the offence, and though the learned Government Advocate (Criminal Side) has submitted that the statement of the victim under Section 183 of the B.N.S.S. has already been recorded and that only the laboratory report is awaited, considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, 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 Sessions Judge, Tirupattur** and on further conditions that:

**[b] the petitioner shall report before the concerned POCSO 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 229A IPC.

**13-05-2026**

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

**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.



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To

- 1.The Sessions Judge, Tirupattur.
- 2.The Inspector of Police  
All Women Police Station,  
Tirupattur,  
Tirupattur District.
- 3.The Public Prosecutor,  
High Court, Madras.
- 4.The Superintendent,  
Central Prison, Vellore.



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**P.DHANABAL, J.**

**SSR**

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