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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-05-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

CRL OP No. 12494 of 2026

R.Bharat

..Petitioner(s)

Vs

State Rep. by Inspector of Police
W-8, Thirumangalam AWPS.
Crime No. 9/2026.

..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 Crime No. 9/2026 pending on the file respondent Police and pass such further or other orders and thus render Justice.

For Petitioner(s): Mr.R.Vivekananthan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.03.2026 for the alleged offence under Sections 5(m), 5(n), 5(1) r/w 6 of POCSO Act, in Crime No.9 of 2026, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the Defacto complainant is the father of the victim (12 years old) and he is working in police department and



the petitioner is the co-brother of the defacto complainant that he has caused penetrative sexual assault against the minor from 23.06.2021 till 6.12.2025 and the family of the Victim came to know about the occurrence on 2025. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner has no connection with the alleged offence and that the complaint is only a narrative given by the victim's father. The learned counsel for the petitioner further submits that the petitioner married the sister of the victim's mother on 16.06.2021, and the alleged occurrence from 23.06.2021, within a week of marriage, is highly improbable. It is further submitted that there was a prior family and financial dispute between the parties, and the complaint has been lodged as a retaliatory measure after an alleged incident in December 2025 involving the complainant. The Petitioner, a practising advocate, denies all allegations and states that no such incident occurred. The learned counsel for the petitioner further submits that petitioner was remanded to judicial custody on 24.03.2026 and has been in custody for the past 48 days.

4. The learned Government Advocate (Criminal Side) submitted that the petitioner had committed aggravated penetrative sexual assault and considering the gravity of the offence, opposed the grant of bail to the petitioner.



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

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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 been placed before this Court and the same has been perused by this Court, 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 Additional District Judge, Special Court for Exclusive trial of cases under POCSO Act, Chennai** and on further conditions that:

[b] the petitioner shall report before the learned Special Court for Exclusive Trial of cases under POCSO Act, Chennai 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 Additional District Judge, Special Court for
Exclusive trial of cases under POCSO Act,
Chennai.

2.Inspector of Police
W-8, Thirumangalam AWPS.
Crime No. 9/2026.

3.The Public Prosecutor,
High Court, Madras.

4.The Superintendent,
Central Prison, Puzhal-II.



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P.DHANABAL, J.

SSR

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