

CRL OP No. 12215 of 2026

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-05-2026

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL OP NO. 12215 OF 2026

Thambidurai,
S/o.Rajarethinam,
Amirtha Nagar, Tsunami Kuddirupu,
Panangudi, Melavanjore,
Nagapattinam District.

..Petitioner /
Sole Accused

Vs

The State rep by,
The Inspector of Police
All Women Police Station,
Nagapattinam.
(Crime No.12/2026)

..Respondent/
Complainant

PRAYER:- Criminal Original Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail to the petitioner in Crime No.12/2026 on the file of the respondent-police.

For Petitioner : Mr.H.Eshwar

For Respondent : Mr.L.Baskaran
Government Advocate (Criminal Side)



WEB COPY



CRL OP No. 12215 of 2026

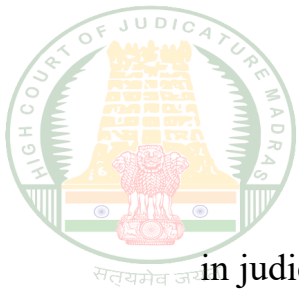
ORDER

This Criminal Original Petition has been filed by the petitioner on 11.05.2026 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail.

2. The petitioner / accused was arrested and remanded to judicial custody on 02.03.2026 for the alleged offences punishable under Sections 8 r/w 7 of POCSO Act, 2012 in Crime No.12 of 2026 on the file of the respondent-police.

3. The case of the prosecution is that on 27.02.2026 at about 06.30 p.m., when the de facto complainant and her husband returned home, they found the petitioner holding the victim child and, on seeing them, he ran away. On enquiry, the victim child stated that the petitioner had pulled her into the kitchen and touched her inappropriately. Hence this case.

4. Mr.H.Eshwar, learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been



WEB COPY

in judicial custody since 02.03.2026. He further submits that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. *Per contra*, Mr.L.Baskaran, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the investigation is completed and charge sheet is also filed. The learned Government Advocate (Criminal Side) contends that if the petitioner is released on bail, there is a chance to once again commit sexual assault on the victim girl and pose a threat to both, the *defacto* complainant and the victim girl. Accordingly, he prays for the dismissal of this petition.

6. Heard on both sides. This Court has perused all the materials available on record.

7. The petitioner was arrested on 02.03.2026 and he is in incarceration since 02.03.2026. This Court has perused the statement of the victim girl recorded under Section 183(5) of BNSS Act. Considering the facts and circumstances of the case and the period of incarceration, this



CRL OP No. 12215 of 2026

WEB COPY

Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the learned Special Court under POCSO Act, Nagapattinam.

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Special Court under POCSO Act, Nagapattinam, shall obtain a copy of any one of their identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the learned Special Court under POCSO Act, Nagapattinam, daily at 10.30 a.m. on all hearing dates without fail;



WEB COPY (iv) The petitioner/accused shall not enter the area within 500 meters of the victim, her residence and her workplace;

(v) The petitioner/accused shall keep the Investigation Officer updated/posted about his permanent as well as present place of residence and mobile number. Any change thereof shall also be immediately intimated to the Investigation Officer;

(vi) The petitioner shall not, directly or indirectly, cause any threat to the victim, *defacto* complainant and witnesses and shall not tamper the evidence.

(vii) On breach of any of the aforementioned conditions, the learned Special Court under POCSO Act, Nagapattinam, or Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by them as laid down by the Hon'ble Supreme Court in ***P.K. Shaji vs. State of Kerala*** [(2005) 13 SCC 283].



CRL OP No. 12215 of 2026

WEB COPY

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

cda

21-05-2026

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.



WEB COPY



CRL OP No. 12215 of 2026

To

1. The Special Court under POCSO Act,
Nagapattinam.
2. The Superintendent of Prison,
Central Prison, Karaikal.
3. The Inspector of Police,
All Women Police Station,
Nagapattinam.
4. The Public Prosecutor,
High Court, Madras.



WEB COPY



CRL OP No. 12215 of 2026

R.SAKTHIVEL, J.

cda

CRL OP NO.12215 OF 2026

21-05-2026

Page8 of 8