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CRL OP No. 12147 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. 12147 of 2026**

Nishanth

..Petitioner(s)

Vs

State represented by  
The Inspector of Police,  
All Women Police Station,  
Thirumangalam,  
Chennai - 600 101.

..Respondent(s)

Criminal Original Petition filed under Section 483 of BNSS to enlarge on bail in Spl.S.C.No.103 of 2025 in Crime No.75 of 2019 pending on the file of the Hon'ble Special Court for Exclusive Trial of cases under POCSO Judge, Thiruvallur and thus render justice.

For Petitioner(s): Mr.Suriyamuthu N

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

**ORDER**

The petitioner/accused, who was arrested on 05.12.2025 and remanded to judicial custody on the same day, for the offences under Sections 3(2)(a), 4(1), 5(1)(a) of ITP Act @ 3(2)(a), 4(1), 5(1)(a) of ITP Act 11 r/w. 12, 18 of POCSO Act, 2012, in Spl.S.C.No.103 of 2025 (Crime No.75 of 2019) on the file of the



Special Court for Exclusive Trial of Cases under POCSO Act at Thiruvallur,  
seeks bail.

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2.The petitioner has been charged with offences under ITP Act and sexual offences under POCSO Act and the petitioner was arrested on 04.08.2025 and when the case was posted on 04.09.2025 for examination of LW1 to LW3, the petitioner did not appear before the Special Court and therefore, NBW was issued on 04.08.2025 and the same was executed on 05.12.2025.

3.Learned counsel for the petitioner would submit that the petitioner could not appear before the Court on 04.08.2025 due to jaundice and therefore, NBW was issued against the petitioner. The learned counsel would submit that the petitioner undertakes to appear before the Court for all future hearings without fail and he is ready to abide by any conditions imposed by this Court. He would further submit that the petitioner is in incarceration for more than five months and therefore, prays for grant of bail.

4.*Per contra*, Mr.R.Vinothraja, learned Government Advocate (Crl. Side), appearing for the respondent Police, would submit that the matter is at the stage of examination of witnesses and now, if the petitioner is granted bail, there is every possibility of he absconding, and therefore, opposes the grant of bail.



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

6. Considering the rival submissions and the nature of offence and also considering the fact that, originally, the petitioner was granted bail and thereafter, due to his non-appearance, NBW was issued against him and now, the same has been executed and he is in custody from 05.12.2025 and the case is now pending at the stage of examination of witnesses, and also considering the period of incarceration undergone by the petitioner for more than five months, 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 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 POCSO Act at Thiruvallur 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 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 Sessions Judge,  
Special Court for Exclusive Trial of Cases under POCSO Act  
at Thiruvallur.
2. The Inspector of Police,  
All Women Police Station,  
Thirumangalam,  
Chennai - 600 101.
3. The Public Prosecutor,  
High Court, Madras.
4. The Superintendent,  
Central Prison,  
Puzhal.



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**P.DHANABAL J.**

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