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CRL OP No. 12237 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. 12237 of 2026

Thamarai Kannan

..Petitioner(s)

Vs

State Rep By
The Inspector of Police
T4, Maduravoyal Police Station,
I/c. Virugambakkam All Women Police Station.
Crime No.6 of 2026.

..Respondent(s)

Criminal Original Petition filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.6 of 2026 on the file of the respondent police.

For Petitioner(s): Mr.V.I.Prashanth

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

ORDER

The petitioner/sole accused, who was arrested and remanded to judicial custody on 19.03.2026, for the offences under Sections 11(4) and 12 of POCSO Act, in Crime No.6 of 2026 on the file of the respondent Police, seeks bail.



2.The case of the prosecution is that the petitioner, who is aged about 48 years, is residing in the same apartment where the victim girl aged 5 years, studying in UKG, resides. The petitioner is well acquainted with the victim girl. On 10.05.2025, the petitioner, with a sexual intent, made the victim girl lay on his lap and has committed sexual assault on the victim girl by touching her private part. Similarly, even on 19.03.2026, the petitioner has committed aggravated sexual assault on the victim girl. This has continued for several days. Hence, the case.

3.Learned counsel for the petitioner would submit that the petitioner has been falsely implicated in the case and the petitioner is residing in the opposite flat and due to previous enmity, the *de facto* complainant has roped in the petitioner in this case without any basis. The learned counsel would further submit that the petitioner is suffering from various ailments and therefore, the alleged assault is improbable. He would further submit that the petitioner is in incarceration from 19.03.2026 for about 53 days 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 petitioner has committed aggravated sexual assault on a minor child of 5 years age on several



occasions and therefore, considering the gravity of the offence, he opposes for grant of bail.

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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, though the date of occurrence is 10.05.2025, the FIR has been registered only on 19.03.2026, and also considering the period of incarceration undergone by the petitioner for about 53 days from 19.03.2026, 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 learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvallur, and on further conditions that:

[b] the petitioner shall report before the respondent Police 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 Sessions Judge,
Special Court for Exclusive Trial of Cases under POCSO Act,
Tiruvallur.
2. The Inspector of Police
T4, Maduravoyal Police Station,
I/c. Virugambakkam All Women Police Station.
Crime No.6 of 2026.
3. The Public Prosecutor,
High Court, Madras.
4. The Superintendent,
Central Prison,
Puzhal.



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P.DHANABAL J.

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