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CRL OP No. 12391 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-05-2026

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL OP No. 12391 of 2026

Suresh
S/o. Rajendran,
D.No.1/7, Chettiyar Street,
Thachankattupalayam,
Kuchipalaam, Varapalayam,
Tiruchengode Taluk,
Namakkal District.

..Petitioner / Accused - 2

Vs

State rep by The Inspector of Police
AWPS Tiruchengode Police Station
Namakkal District.
(Crime No.46/2025)

..Respondent /
Complainant

PRAYER :- Criminal Original Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to enlarge the petitioner on bail in Crime No.46/2025 on the file of respondent police.

For Petitioner(s): Mr.P.Hasnah

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

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 - 2 was arrested and remanded to judicial custody on 29.12.2025 for the alleged offences punishable under Sections 87 of BNS, 2023 read with Sections 5(n), 5(m) and 6 of POCSO Act, 2012, in Crime No.46 of 2025 on the file of the respondent police.

3. The case of the prosecution is that on 05.12.2025, the petitioner is alleged to have committed penetrative sexual assault on the victim girl. The victim is aged 17 years and has a mild intellectual disability. Hence the case.

4. Mr.P.Hasnah, the learned counsel for the petitioner, submits that this is the third bail petition filed by the petitioner. He further submits that the that the petitioner is innocent and has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in judicial custody since 29.12.2025. Therefore, he 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 petitioner is the paternal uncle of the minor victim who was aged 17 years. He committed penetrative sexual assault on the victim girl. He also produced the Psychological Assessment Report of the victim, which shows that she has a mild intellectual disability. He further submits that the investigation is



completed and the charge sheet has also been filed and the same has not been taken on file. Accordingly, he prays for the dismissal of this petition.

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6. Heard on both sides. This Court has perused the records including the statement of the victim girl recorded under Section 183 of BNSS.

7. On 05.12.2025, the petitioner committed penetrative sexual assault on the victim girl. The victim is aged 17 years, and the petitioner is aged about 41 years. Considering the nature of the offence alleged and the period of incarceration, this Court is inclined to grant bail to the petitioner, however, subject to 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 Judicial Magistrate Court, Tiruchengode.**

(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 Judicial Magistrate shall obtain a copy of any one of their identity proofs to ensure their identity.



(iii) The petitioner shall stay at Erode and sign before the learned Judicial Magistrate, Erode daily twice at 10.30 a.m and 5.30 p.m until further orders.

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(iv) The petitioner shall not enter into the defacto complainant's house or her work place.

(v) The petitioner shall furnish his residence address and mobile number to the Judicial Magistrate, Tiruchengode.

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

(vii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate Court, Tiruchengode 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].



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

20-05-2026

Index : Yes/No
Internet : Yes/No
Neutral citation : Yes/No
DRL

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 official website of this Court will be watermarked and will also have a QR code.

To

1.The Judicial Magistrate Court,
Tiruchengode.

2.The Superintendent,
Central Prison, Salem.

3.The Inspector of Police
AWPS Tiruchengode Police Station
Namakkal District.

4.The Public Prosecutor,
High Court, Madras.

5.The Judicial Magistrate,
Erode.



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R.SAKTHIVEL, J.

DRL

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