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CRL OP No. 12539 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. 12539 of 2026

Magesh@Madasamy

..Petitioner(s)

Vs

The State Rep by
The Inspector of Police,
All Women Police Station,
Thirumangalam, Chennai
Cr. No.8/2026

..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 connection with the Crime No.8/2026 on the file of respondent police and pass such order or further order as this Court may deem fit and proper in circumstances of the case

For Petitioner(s):

Mr.D.Padmanabhan

For Respondent(s):

Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.03.2026 for the alleged offence under Sections 7 & 8 of POCSO Act, in Crime No.8 of 2026, on the file of the respondent police, seeks bail.



2. The case of the prosecution is that the respondent police received a complaint from one Kumutha, wife of Gopal and she is carrying on a water bottle supply business. Her husband has passed away, and she has two children: the elder daughter aged 17 years, studying in Class 12 and a son aged 14 years, studying in Class 9. She also owns a Tata Ace vehicle for her business and had engaged a driver from her native place, one Magesh @ Madasamy. On 13.03.2026, the said Magesh @ Madasamy fell ill. Therefore, she took him to a nearby hospital. Due to the worsening of his health condition, she accommodated him at her house to provide adequate care. At that time, her daughter was infected with mumps (chickenpox), and she was isolated in a separate room. The complainant and her son were using another room. On 14.03.2026, knowing that her daughter was sleeping alone in the separate room, the said Magesh entered the room and allegedly touched. When she resisted his act, he allegedly threatened her and left the place. After two days, on 15.03.2026, the said Magesh went to his native place for further treatment and informed that he would return. Due to this incident, the defacto complainant's daughter was mentally disturbed and informed the incident to her aunt, who in turn conveyed it to the defacto complainant on 18.03.2026. After consulting elders of the family and considering the welfare of her daughter, the complainant lodged a complaint on 21.03.2026. Hence, the case.



3. The learned counsel for the petitioner submits that the petitioner is the driver of the Tata Ace owned by the de facto complainant and was engaged on a 24x7 basis. Due to continuous work, his health deteriorated and he sought medical treatment, but there was no improvement. He informed the owner about his condition, but she did not relieve him from duty. Subsequently, without intimation, he returned to his native place. It is contended that the FIR is false, motivated, and lodged with ulterior motive. The petitioner submits that he is innocent, has been falsely implicated, and has no previous criminal cases against him. 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 75 days.

4. The learned Government Advocate (Criminal Side) would submit that the FIR was registered on 12.03.2026 and investigation is pending and the offences are grave in nature and that the statement under Section 183 of the B.N.S.S. has already been recorded. Hence, he strongly opposes the grant of bail to the petitioner.

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

6. Considering the rival submissions and the nature of the offence and also



considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

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[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 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. 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].

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[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.

To

- 1.The Special Court for Exclusive trial of cases under POCSO Act, Tiruvallur.
- 2.The Inspector of Police,
All Women Police Station,
Thirumangalam,Chennai
- 3.The Public Prosecutor,
High Court, Madras.
- 4.The Superintendent,
Central Prison-II, Chennai.



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P.DHANABAL, J.

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