



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 12973 of 2026

Vinoth Kumar

..Petitioner(s)

Vs

The State rep.by,
The Assistant Commissioner of Police,
Immoral Traffic Prevention Unit,
Egmore,
Chennai-600 008.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to pass an order for enlargement of the petitioner on bail, pending Spl.SC.No.154 of 2025, on the file of the Special Court for Exclusive trial of POCSO Act, Chennai.

For Petitioner(s):

Mr.R.Chithradevi

For Respondent(s):

Mr.S.Yogaraja Sekar

Government Advocate (Criminal side)

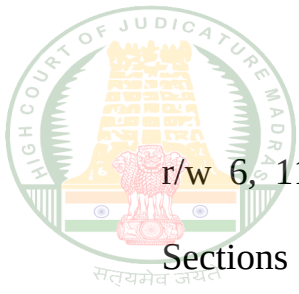
ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.01.2025 for the alleged offences under Sections 5 (l), (m), (n), 6, 11 (1), 12, 14 (1), (2) of the Protection of Child From Sexual Offences (POCSO)Act, and Section 67 (B), (b), (e) of the Information Technology (IT) Act, 2000, in Spl.SC.No.154 of 2025 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that on 14.01.2025, the defacto complainant lodged a complaint on seeing child pornographic photos and videos in the mobile phone, sold by one Selvam, claiming that the mobile phone belongs to driver, Rajaguru and for urgent needs, the said Rajaguru intends to sell the mobile phone at a lesser rate of Rs.1,500/-. The defacto complainant became doubtful and to verify the claim of Selvam, he contacted the last called Number 7358357778. The person attended the phone call answered he is Rajaguru, the mobile phone belongs to his wife Nithya and confirmed for his requirement, he is selling the mobile phone. The defacto complainant paid Rs.1,500/- to Selvam and after getting the password, he unlocked the mobile to delete the gallery photos, he found several obscene videos and photographs of 3 or 4 children aged about 10 to 15 years and saw a 35 year old man indulging in sexual act. At that time, A1 came there, introduced himself and informed that he wanted to remove the SIM card and delete the photos and videos from the gallery. Earlier, the defacto complainant informed All Women Police Station, Kotturpuram about the photos and videos, who came there, picked up A1 and the phone, registered a case in Crime No.2 of 2025 for the offence under Sections 5(l),(m),(n), 6 11(1) r/w 12, 14(1),(2) of POCSO Act and Sections 67(B),(b),(e) of IT Act. Thereafter on the orders of the Commissioner of Police, the case was transferred to the Assistant Commissioner of Police, Central Crime Branch / on completion of investigation, charge sheet filed before the POCSO Court. Prior to it, Sections were altered on 16.01.2025 to Sections 5(l),(m),(n)



r/w 6, 11(1) r/w 12, 14(1), (2), (3) r/w 15, 16 r/w 17 of POCSO Act and Sections 67(b),(b),(e) of IT Act. Again Sections were altered on 06.04.2025 to Sections 11(i), (ii) r/w 12, 12 r/w 17, 6(1) r/w 17, 12 r/w 17, 11(v) r/w 12, 14(1), (2), 15(1), 15(2), 15(3), 5(l) r/w 6(l), 5(m) r/w 6(1) of POCSO Act and Sections 67A, 67-B(a), 67-B(b), 67-B(c), 67-B(e), 66-E of IT Act. In the charge sheet, four persons shown as accused, namely, A1/Rajaguru, A2/Nithya, A3/petitioner herein and A4/Naveen and the case has been taken on file in Spl.S.C.No.154 of 2025 on 20.05.2025, now pending trial.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and has been in custody since 15.01.2025. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and ready to co-operate for investigation. Hence, he prays to grant bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that trial has already begun. He further submitted that, if the petitioner is released on bail, there is a strong possibility that he will tamper with the witnesses during their examination. Hence, the learned Government Advocate opposed for grant of bail to the petitioner.



C.KUMARAPPAN, J.

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5.As rightly contended by the learned Government Advocate, if the petitioner is enlarged on bail, there is a strong possibility of witness tampering during the examination of witnesses and of fear psychosis among the victims who are minors. Hence, this is not a fit case to enlarge the petitioner on bail.

6.Accordingly, this Criminal Original Petition is dismissed.

04-06-2026

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To

1.The Asst. Commissioner of Police,
Immoral Traffic Prevention Unit,
Egmore,
Chennai-600 008.

2.The Public Prosecutor
High Court of Madras.

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