



WEB COPY

CRL OP No. 12865 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-05-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

CRL OP No. 12865 of 2026

V.Elavarasan
S/o. Vanjinathan,
Indhira Colony,
Kunathalaiyadi,
Tiruvudai Maruthur,
Thanjavur District.

..Petitioner(s)

Vs

The State Rep By The Inspector of Police
Kamanickenpalayam Police Station,
Tiruppur Distirct.
Crime No.1321 of 2020

..Respondent(s)

Criminal Original Petition is filed under Section 483 of BNSS Act to enlarge the petitioner on bail in connection with case in Spl.S.C.No.43 of 2021 pending trial on the file of the Ld. Sessions Fast Track Mahila Court, Tiruppur, and thus render justice.

For Petitioner(s): Mr.C.Harish

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

Order

The petitioner/Accused, was arrested and remanded to judicial custody on execution of NBW on 28.03.2025 for the offences punishable under Sections 366 IPC, Section 9 of Prohibition of Child Marriage Act (PCMA), Sections 5(1) r/w.6 of POCSO Act in connection with Spl.S.C.No.43 of 2021 in Cr. No.1321 of 2020, on the file of the respondent police, seeks bail.



2. The case of the prosecution is that the petitioner married the victim minor girl and had committed penetrative sexual assault. Hence the case.

3. The learned counsel for the petitioner would contend that the petitioner had been regularly appearing before the Court. However, due to unavoidable circumstances, the petitioner was not in a position to appear before the Court, thereby the Trial Court issued NBW and the same was executed and the petitioner is in judicial custody from 28.03.2025. Therefore prayed to grant bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the charge sheet has already been filed before the learned Sessions Fast Track Mahila Court, Tiruppur Spl.S.C.No.43/2021, where the Trial Court has examined 11 witnesses out of 30 witnesses and the case is posted for examination of witnesses. It is further submitted that earlier, the petitioner failed to appear before the trial Court and consequently, a Non-Bailable Warrant came to be issued against him. Thereafter, the respondent Police secured the petitioner in execution of the said warrant. Therefore, the learned Government Advocate opposed the grant of bail to the petitioner.

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



6. Considering the nature of offence and already bail was granted to this petitioner and thereafter due to non-appearance of the petitioner before the trial Court, Non Bailable Warrant was issued and the same was executed and he is in prison till date, considering the period of incarceration undergone by the petitioner from 28.03.2025 and now the case is pending before the trial Court, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[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 **Sessions Fast Track Mahila Court, Tiruppur** and on further conditions that:

[b] the petitioner shall report before the learned Sessions Fast Track Mahila Court, Tiruppur daily at 10.00 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 269 B.N.S.2023.

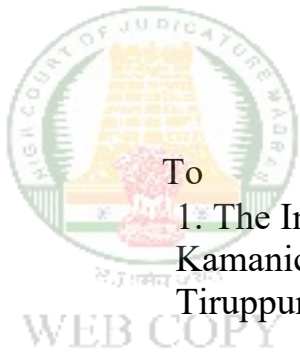
13-05-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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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 Inspector of Police
Kamanickenpalayam Police Station,
Tiruppur Distirct.

2. The Sessions Fast Track Mahila Court,
Tiruppur.

3. The Superintendent of Prisons,
Central Jail, Coimbatore.

4. The Public Prosecutor,
Madras High Court.



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P.DHANABAL J.

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