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CRL OP No. 12917 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-05-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

CRL OP No. 12917 of 2026

Muthukumar @ Muthalip R

..Petitioner(s)

Vs

The State Rep By
The Inspector of Police,
AWPS Salem Town Police Station, Salam City
(Cr.No.5 of 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 pending investigation in Crime No.5 of 2026 on the file the respondent and grant other just and necessary relief as this Hon'ble court may deem fit and proper in the facts and circumstances of this case and thus render justice.

For Petitioner(s): Mr.A.Rahul

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.02.2026 for the alleged offence under Section 9 of the Prohibition of Child



Marriage Act, 2006 and Sections 5(1) r/w 6 of the POCSO Act, 2012, in Crime No.5 of 2026 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the De-facto Complainant, Jayanthi Mala, noticed a yellow thread (Thali) around her 16-year-old daughter's neck on 15.02.2026. Upon inquiry, the minor girl allegedly revealed that the Petitioner, a distant relative and folk dancer (Karagattam performer), had lured her with promises of high wages for dancing. It is alleged that on 01.02.2026, the Petitioner performed a marriage ceremony with the minor near "Rettai Mandapam" and subsequently, on 05.02.2026, committed sexual assault at the minor's residence while the mother was away at work. Based on this, a case was registered in Crime No. 05/2026 under Section 9 of the Prohibition of Child Marriage Act, 2006 and Sections 5(1) r/w 6 of the POCSO Act, 2012. Hence, this case.

3.The learned counsel for the petitioner submits that the petitioner is a folk dancer by profession, specializing in Karagattam. He is a daily wage earner who relies solely on his seasonal performance work to provide for his family, which includes his wife and two sons. The above case has been foisted on the



petitioner to extract money. The investigation is almost complete. He further submits that the petitioner has been in incarceration for nearly two months and therefore prays for the grant of bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that no previous case pending against the petitioner. However, he vehemently opposed to 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 the period of incarceration undergone by the petitioner, and the fact that the investigation is already completed and also considering that the petitioner has no previous cases, 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**



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Sessions Judge, Principal POCSO Court, Salem and on further conditions that:

[b] the petitioner shall report before the learned Sessions Judge, Principal POCSO Court, Salem Court on all working days 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.

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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.



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To

- 1.The Sessions Judge, Principal POCSO Court, Salem.
- 2.The Inspector of Police,
AWPS Salem Town Police Station, Salam City.
- 3.The Public Prosecutor,
High Court, Madras.
- 4.The Superintendent,
Central Jail, Salem.



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P.DHANABAL, J.

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