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CRL OP No. 12531 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-05-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

CRL OP No. 12531 of 2026

Sivagurunathan

..Petitioner(s)

Vs

The State Rep By
The Inspector of Police,
All Women Police Station Salem Town, Salem
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 case in Cr. No.8/2026 pending investigation on the file of the respondent police

For Petitioner(s): Mr.T. Gopinathan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.03.2026 for the alleged offence under Sections 351(2) of Bharatiya Nyaya Sanhita (BNS) of 2023 and Sections 3, 4, 5(n), 6 of POCSO Act, 2012, in Crime No.8 of 2026, on the file of the respondent police, seeks bail.



2. The case of the prosecution is that the informant herein is the mother of the victim girl. It is stated that the de facto complainant's daughter is studying in the first year Diploma Nursing Course at Vinayaga Mission Nursing College, and her date of birth is 03.03.2008. The de facto complainant's husband had died, and thereafter, in the year 2016, she contracted a second marriage with the accused herein, and they have one female child aged about 7 years. It is further alleged that on 15.02.2026, when the de facto complainant and her daughter were returning home from the temple on Shivaratri day, the victim girl informed her mother that on 04.09.2025, while she was returning home at about 06.00 p.m., the accused had misbehaved with her and further threatened her not to disclose the incident to her mother, thereby committing the alleged offence. Hence, the case.

3. The learned counsel for the petitioner submits that the prosecution case is false and fabricated and that the petitioner has no connection with the alleged offence. It is further submitted that the petitioner married the de facto complainant in 2016 and that the victim girl is her daughter from her first marriage, and due to marital misunderstandings, a false complaint has been lodged alleging an incident said to have occurred about five months earlier. It is



further submitted that the police registered the case without proper verification.

The petitioner was arrested and remanded to custody on 11.03.2026 and has been in custody for the past 60 days.

4.The learned Government Advocate (Criminal Side) vehemently opposed the grant of bail and submitted that the petitioner is the stepfather of the victim and that both the petitioner and the victim are residing in the same house. It is further submitted that the investigation has been completed, and that if the petitioner is released on bail, there are chances of his absconding, tampering with the witnesses, and intimidating the victim.

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 the case is now pending before the trial Court, 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 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 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



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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 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.



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To

1. The Sessions Judge, Principal POCSO Court,
Salem.
2. The Inspector of Police,
All Women Police Station Salem Town, Salem.
3. The Public Prosecutor,
High Court, Madras.
4. The Superintendent,
Central Prison, Salem.



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P.DHANABAL, J.

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