



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-05-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

CRL.O.P.No.12802 of 2026

Gunasekaran

..Petitioner

Vs

The State Rep by
Inspector of Police,
Chengam All Women Police Station.

..Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of B.N.S.S., Act, to enlarge the petitioner on bail in connection with the case in Crime No.3 of 2026 pending investigation on the file of the Respondent Police herein and thus render justice.

For Petitioner : Mr.S.Panneer Selvam

For Respondent : Ms.V.J.Priyadarsana,
Government Advocate (Crl.side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.01.2026 for the alleged offence under Section 64(2)(m), 64(2)(f) of BNS, 2023/Section 376(2)(n), 376(2)(f) of IPC, Section 5(1), 5(j)(ii), 5(n) and 6(1) of Protection of Children from Sexual Offences (POCSO) Act, 2012, in Crime No.3 of 2026, on the file of the respondent police, seeks bail.



2. The case of the prosecution is that the petitioner and the de facto complainant, who are relatives, were having a love affair. Under the guise of love, the petitioner threatened the de facto complainant and had sexual intercourse with her on several occasions, as a result of which she became pregnant. While she was admitted to the Chengam Government Hospital, she gave a statement, based on which the present case was registered. Hence the case.

3. The learned counsel for the petitioner submitted that the respondent police have registered a false case against the petitioner. The petitioner is under judicial custody since 27.01.2026. He further submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Criminal Side) reiterated the prosecution case and submitted that there is no previous case pending against the petitioner. Hence, he vehemently opposed the grant of bail to the petitioner.

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



6. Considering the rival submissions made on either side, the nature of the offenses charged against the accused, the fact that the investigation has been completed and the charge sheet has been filed, that there are no adverse previous cases against the petitioner, and the period of custody already undergone, 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 **Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvannamalai** and on further conditions that:

[b] the petitioner shall report before the Trial 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 she is accused, or suspected, or of the commission of which she 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 her 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.

14.05.2026

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, Chengam All Women Police Station.
2. The Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvannamalai.
3. The Superintendent,
Central Prison, Vellore.
4. The Public Prosecutor, High Court of Madras.



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P.DHANABAL, J.

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