



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-05-2026

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THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL OP No. 13194 of 2026

1. Kumar,
S/o.Munusamy
2. Sumathi
W/o Kumar,
Both are residing at No.200(A), Kulavimedu II,
Virupachipuram, Thorapadi, Vellore District.

.. Petitioner / Accused 1 & 2

Vs

The State Rep By,
The Inspector of Police,
Bagayam Police Station,
Vellore District.
Crime No.137 of 2026.

..Respondent / Complainant

PRAYER:- Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to enlarge the petitioner on
anticipatory bail in the event of arrest in Crime No.137 of 2026 on the file of the
Inspector of Police, Bagayam Police Station, Vellore.

For Petitioners:

Mr.S.Silambu Selvan

For Respondent:

Mr.A.Gopinath,
Government Advocate (Criminal Side)



ORDER

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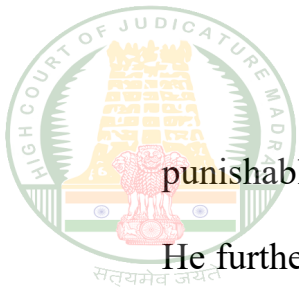
This Criminal Original Petition has been filed by the petitioners on **18.05.2026** under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant an order of pre-arrest bail.

2. The petitioners / Accused 1 & 2, apprehend arrest at the hands of the respondent police for the alleged offences punishable under **Sections 332(c), 296(b), 115(2), 118(1), 76 of BNS 2023, r/w Sections 11(4) & 12 of POCSO Act, in Crime No.137 of 2026** on the file of the respondent police.

3. The case of the prosecution is that due to previous enmity, there was quarrel between the parties and they assaulted each other. Hence, there is a case and counter case.

4. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that no previous case is pending against the petitioners. Hence he prayed to grant an order of pre-arrest bail to the petitioners.

5. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that this case has been registered for the offences



punishable under Sections 294(b), 323, 354 of IPC and 11 & 12 of POCSO Act.

He further submitted that due to previous enmity, there was quarrel between the parties and there is no previous case against the petitioners.

6. Heard on both sides. This Court has perused the records.

7. This Court has perused the statement of the victim girl recorded under Section 183(6) of BNSS Act. They have no previous case. The petitioners and the defacto complainant are the neighbours. Hence, this Court is of the view that custodial interrogation of the petitioners is not necessary in this case.

8. Considering the cumulative circumstances of the case; the nature of the offences alleged to have committed by the petitioners; the fact that there is no previous case against the petitioners, this court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions.

(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the ***learned Special Court for POCSO Act Cases, Vellore*** within a period of 15 days from the date of receipt of a copy of this order, on executing a bond for a sum of ***Rs.25,000/- (Rupees Twenty Five Thousand only)*** each, along with two sureties each for a like sum of ***Rs.25,000/-*** to the satisfaction of the ***learned Special Court for POCSO Act Cases, Vellore;***



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(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of their identity proofs to ensure their identity;

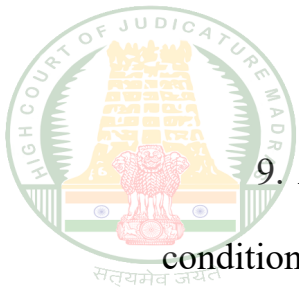
(iii) The petitioners shall appear and sign before the respondent police, daily at 10.00 a.m, until further orders;

(iv) The petitioners shall make themselves available for interrogation by police as and when required;

(v) The petitioners 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 them from disclosing such facts to the Court or to any police officer;

(vi) The petitioners shall not enter into the defacto complainant / victim's house and workplace; and

(vii) On breach of any of the aforementioned conditions, the learned Special Court for POCSO Act Cases, Vellore is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala** [(2005) 13 SCC 283].



9. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

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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 Special Court for POCSO Act Cases,
Vellore.
2. The Inspector of Police,
Bagayam Police Station,
Vellore District.
3. The Public Prosecutor,
High Court, Madras.



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CRL OP No. 13194 of 2



R.SAKTHIVEL, J.

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