



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 13888 of 2026

Saravanan

..Petitioner(s)

Vs

The State Rep. by
The Inspector of Police
Polur-All Women Police Station (AWPS),
Tiruvannamalai District. Crime No.9 of 2026

..Respondent(s)

Prayer:- Criminal Original Petition is filed under Section 483 of BNSS, 2023, pleaded to enlarge the petitioner on bail in Crime No.9 of 2026 pending investigation on the file of the respondent.

For Petitioner(s):	Mr.E.Sathiyaraj
For Respondent(s):	Mr.S.Yogaraja Sekar Government Advocate (Criminal side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.05.2026 for the alleged offences under Sections 351 (1), 126, 332 (c) of BNS Act and Section 5 (1), 6 (1) of Protection of Children from Sexual Offences Act, in Crime No.9 of 2026 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto-complainant is approximately nineteen years old. The petitioner is the husband of the victim's sister and they were living separately. It is alleged that the petitioner and the victim reside in the same village. It is further alleged that petitioner used to drop



the victim at the school where she was studying, and during those times, the petitioner sexually assaulted her. Hence the case.

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3.The learned counsel for the petitioner submitted that the petitioner is innocent and has been in custody since 02.05.2026. He further submitted that the petitioner is the husband of the victim's sister. Due to matrimonial dispute, defacto-complainant gave false complaint against the petitioner. Hence, he prays to grant bail to the petitioner.

4.At this juncture, the learned Government Advocate (Criminal Side) appearing for the respondent police produced the victim's statement recorded under Section 183 of the BNSS, wherein the victim did not support the prosecution case. Consequently, this Court is of the firm view that this is a fit case to enlarge the petitioner on bail and this is apparently a case of misuse of the POCSO Act. Hence, this Court is inclined to grant bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties each for a like sum to the satisfaction of the **Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvannamalai**, and subject to the following conditions:



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[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the respondent police as and when required for interrogation;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e] on breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions had been imposed and the petitioner released on bail by the learned Magistrate/Trial Court itself, as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]***;

[f] if the petitioner thereafter abscond, a fresh FIR may be registered under Section 269 of the Bharatiya Nyaya Sanhita, 2023.

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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.



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C.KUMARAPPAN, J.

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To

1.The Special Court for Exclusive Trial of Cases
under POCSO Act, Tiruvannamalai.

2.The Superintendent of Prison,
Central Prison, Vellore.

3.The Inspector of Police
Polur-All Women Police Station (AWPS),
Tiruvannamalai District.

4.The Public Prosecutor
High Court of Madras.

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