



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 14264 of 2026

Nisanth Andrus@ Kulla
S/o.Nehemih
No.17 Telugu Colony 3rd Street Madhavaram
Chennai - 600 060

..Petitioner(s)

Vs

The State represented by its:

The Inspector of Police,
Puzhal All Women Police Station,
Puzhal, Chennai.
[Cr.No.12 of 2026]

..Respondent(s)

PRAYER: This Criminal Original Petition has been filed under Section 483 of B.N.S.S. praying to enlarge the petitioner on bail in Cr.No.12 of 2026 on the file of the Inspector of Police Puzhal All Women Police Station, Puzhal, Chennai.

For Petitioner(s):	M/S. C.Raja
For Respondent(s):	Mr. S. Yogaraja Sekar, Government Advocate (Criminal side)

ORDER

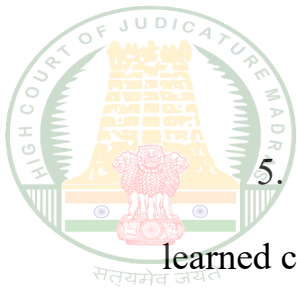
The petitioner, who was arrested and remanded to judicial custody on 06.05.2026 for the alleged offences under Sections 78(2), 351(2) of B.N.S. and Sections 11(1), 11(4) read with 12 of POCSO Act altered to Sections 78(2), 296(b), and 351(2) of B.N.S. and Sections 11(1), 11(4) read with 12, 5(1) read with 6 of POCSO Act in Cr. No.12 of 2026 on the file of the respondent police, seeks bail.



2. The *case of the prosecution* is that the petitioner aged 20 years and the victim girl, aged 16 years and studying XII standard, are well acquainted with each other and on several occasions, the petitioner had committed aggravated sexual assault on the victim girl. While so, on 28.01.2026, at about 5 p.m., when the victim girl was alone in her house, the accused trespassed into her house and committed penetrative sexual assault on the victim girl. When the relationship between the petitioner and the victim girl came to the knowledge of the mother of the victim, she warned the victim. When the petitioner compelled the victim to come along with him to get married, she refused for the same. Therefore, the petitioner abused the mother of the victim in filthy language and he continuously harassed the victim. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner was arrested on 06.05.2026 and since then, he has been under judicial custody and he is an innocent and he is ready to abide by any condition that may be imposed by this Court and hence prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal side) appearing for the respondent police reiterated the prosecution case and submitted the statement of the victim girl recorded under Section 183 of B.N.S.S. and strongly opposed the bail application.



5. I have given anxious consideration to the submissions made by the learned counsel on either side.

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6. While perusing the statement of the victim girl under Section 183 of B.N.S.S, it is seen that the victim, who was aged about 17 years on the date of deposing before the Court, would state that both of them were in relationship for more than 5 years and on the said date, they both had physical relationship. However, the petitioner has forced the victim to marry him. While looking at the factual position, this petitioner is also at the age of 19. While considering the statement of the victim under Section 183 of B.N.S.S. at the backdrop of the age of the petitioner, qua 19 years and the age of the victim girl, qua 17 years, this Court could could able to visualize a adolescent relationship between them. Therefore, considering the totality of circumstances and upon the fact that the petitioner has been under judicial custody since 06.05.2026, this Court is inclined to enlarge the petitioner on bail, subject to the following stringent conditions:

7. 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 learned **Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, Tiruvallur** and on further conditions that:



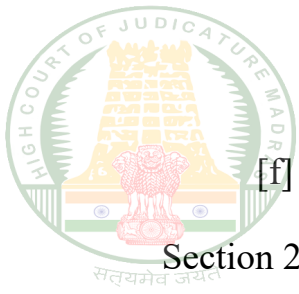
[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall stay at Salem and shall appear and sign before the Inspector of Police, Salem Town Police Station daily at 10.30 a.m. and 5.30 p.m. until further orders;

[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 pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]:



[f] If the accused thereafter absconds, a fresh FIR can be registered under

Section 269 of B.N.S.

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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 Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, Tiruvallur.
2. The Inspector of Police, Puzhal All Women Police Station, Puzhal, Chennai.
3. The Inspector of Police, Salem Town Police Station, Salem.
4. The Superintendent of Police, Central Prison, Puzhal, Chennai.
5. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

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