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CRL OP No. 14517 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 14517 of 2026

Mohankumar

..Petitioner(s)

Vs

The State Rep By, The Inspector of Police
AWPS Pollachi,
Coimbatore District.
(Crime No.11/2026)

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the Bail to the petitioner in
connection with the crime No.11 of 2026 on the file of respondent police.

For Petitioner(s):

Mr.G.Sujith

For Respondent(s):

Mr.S.Yogaraja Sekar

Government Advocate (Criminal side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on
08.04.2026 for the alleged offences under Sections 5 (l) r/w 6 of POCSO Act,
2012, Section 65 (1), 87 and Section 127 (3) of BNS, 2023, in Crime No.11 of
2026 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the defacto-
complainant's daughter were in a love relationship. It is alleged that during the
course of their relationship, the petitioner committed aggravated penetrative
sexual assault against the victim girl. Hence the case.



3.The learned counsel for the petitioner submitted that the petitioner is innocent and has been in custody since 08.04.2026. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and ready to co-operate for investigation. Hence, he prays to grant bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and produced the victim's statement recorded under Section 183 of the BNSS and opposed for grant of bail to the petitioner.

5.A perusal of the statement recorded under Section 183 of the BNSS, reveals that both the petitioner and the victim girl, who are aged about nineteen and fourteen years, were in a love affair and in furtherance thereof, there was a physical relationship between them. Although the consent of a minor is not a ground to dilute the Section, in the case on hand, considering the age of the petitioner (nineteen years) and the victim (fourteen years) and the manner in which the victim deposed under Section 183 of the BNSS, this Court is able to observe an adolescent relationship between them. In the present case, the petitioner was remanded to judicial custody on 08.04.2026 and major portion of the investigation has been completed. Hence, considering the totality of circumstances and based on the discussion herein above, this Court is inclined to grant bail to the petitioner with certain conditions.



6. 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 **Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore**, and subject to the following conditions:

[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 daily morning at 10.30 AM and evening at 5.30 PM 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 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]***;



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C.KUMARAPPAN, J.

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

09-06-2026

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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 Principal Special Court
for Exclusive Trial of Cases Under POCSO Act, Coimbatore.

2.The Superintendent of Prison,
Central Jail, Coimbatore District.

3.The Inspector of Police
AWPS Pollachi,
Coimbatore District.

4.The Public Prosecutor
High Court of Madras.

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