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CRL OP No. 14486 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. 14486 of 2026

Gowtham

..Petitioner(s)

Vs

The State Rep By,
The Inspector of Police
W-37, Valasaravakkam,
All woman Police Station,
Valasaravakkam. Chennai.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail in crime No.11 of 2026 on the file of Respondent Police, W-37 Valasaravakkam Women's Police Station, Chennai.

For Petitioner(s):

Mr.I.Dinesh Kumar

For Respondent(s):

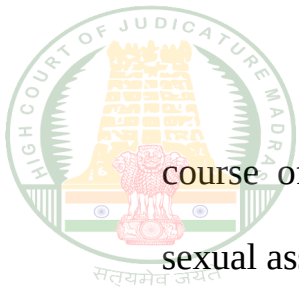
Mr.S.Yogaraja Sekar

Government Advocate (Criminal side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.05.2026 for the alleged offences under Sections 78 (2), 296 (b), 115 (2), 351 (2) of BNS and 5 (1) r/w 6 (1) of POCSO Act, 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.

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3.The learned counsel for the petitioner submitted that the petitioner is innocent and has been in custody since 11.05.2026. 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 there are no allegations against the petitioner so as to invoke Section 5 (1) read with Section 6 (1) of the POCSO Act. Consequently, considering the totality of the circumstances, the absence of materials so as to invoke the serious charges under the POCSO Act, and the fact that the petitioner has been incarcerated since 11.05.2026 and apart from that there are ingredients that relationship between the petitioner and the victim girl appears to be an adolescent relationship, 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 learned

Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvallur, 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]***;



WEB COPY

CRL OP No. 14486 of 2



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 Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvallur.
- 2.The Superintendent of Prison, Central Prison II, Puzhal.
- 3.The Inspector of Police W-37, Valasaravakkam, All woman Police Station, Valasaravakkam. Chennai.
- 4.The Public Prosecutor High Court of Madras.

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