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CRL OP No. 14621 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 14621 of 2026

Akash S/o.Murugaiyan,
93,Mariamman Koil Street,
VTC Kirumampakkam Pet,
PO Kirumambakkam,
Pondicherry - 607 402.

..Petitioner(s)

Vs

The State represented by:

The Station House Officer,
Kirumampakkam Police Station,
Puducherry.
(Crime No.43/2026)

..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 Crime No.43 of 2026 on the file of the Respondent Police, pending investigation.

For Petitioner(s): M/S. M.P.Yuvaraj

For Respondent(s): Ms.G.DJEArary,
Government Advocate (Puducherry)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.05.2026 for the alleged offences under Section 6 of POCSO Act, 2012 in Crime No.43 of 2026 on the file of the respondent police, seeks bail.



2. The *case of the prosecution* is that the petitioner, aged 20 years, has committed aggravated penetrative sexual assault on the victim girl, aged 17 years. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner, aged 20 years and the victim girl, aged 17 years and studying XII Standard, were in relationship and based upon the information received from the hospital, FIR came to be registered as against this petitioner under Section 6 of POCSO Act, thereby he was remanded to judicial custody on 07.05.2026 and hence prays for grant of bail to the petitioner.

4. At this juncture, the learned Government Advocate (Criminal side) appearing for the respondent police has submitted the statement 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.

6. While perusing the statement under Section 183 of B.N.S.S., though the victim girl admitted the relationship with the petitioner and their physical relationship, this Court could not find anything so as to bring within the forcible sexual assault. While looking at the statement of the victim girl at the backdrop



of the age of the petitioner, nearly 20 years and the age of the victim about 17 years, this Court is of the firm view that what emerged from the statement

recorded under Section 183 of B.N.S.S. is only an adolescent relationship.

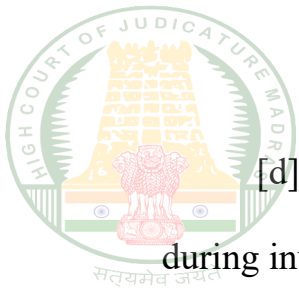
Therefore, considering the adolescent relationship between the petitioner and the victim girl and that there are no forcible sexual relationship against the victim and considering the long incarceration of the petitioner since 07.05.2026, this Court is inclined to enlarge the petitioner on bail, subject 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 **Sessions Judge, Fast Track Court exclusively to deal with the offences under the POCSO Act, Puducherry** 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 appear and sign before the respondent police 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;

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[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.

10-06-2026

MJS

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, Fast Track Court exclusively to deal with the offences under the POCSO Act, Puducherry.
2. The Station House Officer, Kirumampakkam Police Station, Puducherry,
3. The Superintendent of Police, Central Prison, Kalapet, Puducherry.
4. The Public Prosecutor, High Court of Madras.
5. The Public Prosecutor, Puducherry.



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C.KUMARAPPAN, J.

MJS

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