



WEB COPY

CRL OP No. 14688 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 14688 of 2026

Gunasekaran S/o.Muthusamy,
D.No.2/21, Bharathinagar,
Periyeri Post, Attur Taluk,
Periyeri, Salem District,
Tamilnadu-636101.

..Petitioner(s)

Vs

The State of Tamil Nadu through:

The Inspector of Police,
Attur Police Station,
Salem District.
[Cr.No.29 of 2026]

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of
his arrest in Cr.No.29 of 2026 on the file of the respondent police.

For Petitioner(s):

Mr. Deepan Uday

For Respondent(s):

Mr. N. Palanivel,

Government Advocate (Criminal Side).

ORDER

The petitioner, who apprehends arrest for the alleged offence under
Sections 5(l), (i)(ii) read with 6 of POCSO Act altered to Section 7 read with 8,
5(n), 5(l), 5(i)(ii) read with 6 of POCSO Act in Crime No.29 of 2026, on the file
of the respondent police seeks anticipatory bail.



2. The *case of the prosecution* is that the victim, who is a minor aged 16 years, has been sequentially assaulted by four persons including this petitioner.

The victim was sexually harassed by the petitioner. Further she was subjected to forcible sexual assault by the accused persons and they eventually abandoned her and the victim is now 6 months pregnant. Hence the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that the petitioner is a differently abled person and he is affected with locomotor disability and he has not at all involved in any offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioner.

4. At this juncture, the learned Government Advocate (Crl.Side) appearing for the respondent police has submitted the statement of the victim girl recorded under Section 183 of B.N.S.S and strongly objected to grant anticipatory bail to the petitioner.

5. Heard the submissions made by the learned counsel on either side and perused the materials available on record.

6. While perusing the statement of the victim girl, it is seen that the victim is the daughter of the petitioner's brother and though there are serious



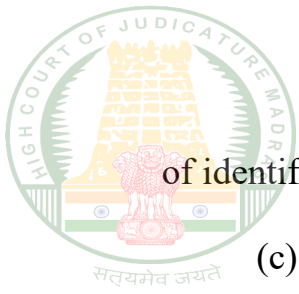
allegations against some other persons, according to the statement, the allegation against this petitioner is only bad touch. At this juncture, the learned

counsel for the petitioner has submitted that the petitioner is affected with locomotor disability. Therefore, considering the physical condition of the petitioner and also upon the fact that there are no serious allegations against this petitioner except the bad touch, this Court is of the view that no custodial interrogation of the petitioner is required. Therefore, this Court is inclined to enlarge the petitioner on anticipatory bail, subject to certain conditions:

7. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on her appearance, within a period of **fifteen (15) days** from the date on which the order copy is made ready, before the **learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Salem**, on condition that the petitioner shall execute a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)**, with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:

(a) If the petitioner fails to surrender before the concerned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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 identify proofs to ensure their identity;

(c) Considering the age of the victim girl, **the petitioner is directed to stay at Sivagangai District and shall sign before the Sadurvedamangalam Police Station daily at 10.30 a.m., and 5.30 p.m., until further orders;**

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560];

(e) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

15-06-2026

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.



WEB COPY

To

1. The Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Salem.
2. The Inspector of Police, Attur Police Station, Salem District.
3. The Inspector of Police, Saturvedamangalam Police Station, Sivagangai District.
4. The Public Prosecutor, High Court of Madras.



WEB COPY

CRL OP No. 14688 of 2



C.KUMARAPPAN, J.

MJS

CRL OP No. 14688 of 2026

15-06-2026