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CRL OP No. 15722 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 29-06-2026**

CORAM

**THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

**CRL OP No. 15722 of 2026**

Sumithra  
D/o. Madhappan,  
Plot No.6, 11th Cross  
Vasavi Nagar,  
Hosur Post,  
Krishnagiri District.

..Petitioner/3rd accused

Vs

The State Rep.by, Deputy Superintendent of  
Police,  
Anchetty Police Station,  
Krishnagiri District.  
Cr.No.192 of 2025.

..Respondent/  
complainant

Prayer: Criminal Original Petition filed under Section 482 of the Bharatiya  
Nagarik Suraksha Sanhita, Act, 2023 to enlarge the petitioner on bail in the  
event of her arrest in Spl.S.C.No.47 of 2026, pending trial on the file of the  
Court of Special Sessions judge, Fast Track Mahila Court, Krishnagiri.

For Petitioner(s): M/S. S.I.Sharukumar

For Respondent(s): Mr.S.Yogaraja Sekar, Govt.Advocate (crl.Side )

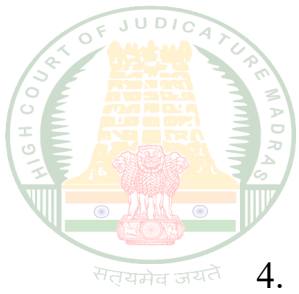


### Order

The petitioner is arrayed as the 3<sup>rd</sup> accused in Spl.SC.No.47 of 2026, pending trial on the file of the Court of Special Sessions Judge, Fast Track Mahila Court, Krishnagiri and apprehends arrest for the alleged offence under Sections 19(2) r/w 21(1) of POCSO Act, 2012 in Crime No.192 of 2025, on the file of the respondent police seeks anticipatory bail.

2. Though a serious offence was committed in Special Crime No. 47 of 2026, the only overt act alleged against the petitioner is that, being the Investigating Officer, she failed to register the case under the appropriate provisions of law, thereby committed an offence under Section 21 of the POCSO Act, which carries a maximum punishment of two years.

3. The learned Government Advocate strongly opposed the bail application, contending that a 2½-year-old child was subjected to aggravated penetrative sexual assault and was subsequently murdered by A1. The post-mortem report was received on the very next day of the occurrence, i.e., on 12.12.2025. However, the petitioner, who was the Investigating Officer entrusted with the investigation and who continued to serve in the very same police station till 23.01.2026, did not take any steps to alter the provisions of law. According to the prosecution, this clearly indicates a deliberate failure to report the commission of the offence under the appropriate provisions.



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4. Per contra, the learned counsel for the petitioner submitted that the petitioner had been assigned to other official duties during the relevant period and that other Inspectors of Police were also posted in the same police station. Therefore, the petitioner alone cannot be held responsible for the alleged omission.

5. Be that as it may, the fact remains that the final report has already been filed, and the case has been taken on file as Spl.S.C. No. 47 of 2026 on the file of the learned Special Sessions Judge, Fast Track Mahila Court, Krishnagiri. In view of the above facts and circumstances, this Court is of the considered view that the custodial interrogation of the petitioner is no longer required. Accordingly, this Court is inclined to enlarge the petitioner on anticipatory bail, subject to certain conditions.

6. Accordingly, the petitioner is ordered to be released on 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 (FAC), Fast Track Mahila Court, Krishnagiri**, 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:



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(a) If the petitioner fails to surrender before the concerned learned 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;

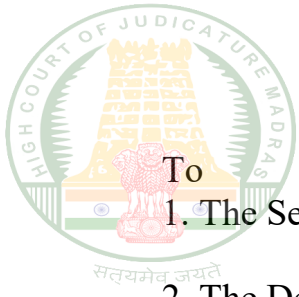
**(c) The petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of one week and thereafter, as and when required for interrogation;**

(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.

JRS

29-06-2026



To

1. The Sessions Judge (FAC), Fast Track Mahila Court, Krishnagiri,

2. The Deputy Superintendent of Police,  
Anchetty Police Station,  
Krishnagiri District.  
Cr.No.192 of 2025.

3. The Public Prosecutor, Madras High Court.



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**C.KUMARAPPAN J.**

**JRS**

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