



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 16188 of 2026

Mahalakshmi @ Mahalakshmy

..Petitioner

Vs

The State Rep. by,
The Inspector of Police,
Thirubuvana Police Station,
Puducherry District.
Crime No.86 of 2025.

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on anticipatory bail in
Spl.SC.No.88 of 2025 pending on the file of the respondent police.

For Petitioner:

Mr.C.R.Gokulvisvas

For Respondent:

Ms.G.Djearany
Government Advocate (Puducherry)

ORDER

The petitioner apprehends arrest for the alleged offence under Sections
351(3), 64(1) of BNS Act, altered to Section 4 of POCSO Act, 2012 r/w 126(2)
and 351(3) of BNS, 2023 in Crime No.86 of 2025 on the file of the respondent
police seeks anticipatory bail.



2. The case of the prosecution is that the victim girl, who is a minor, alleged that she was sexually assaulted by A1 at her workplace. During the course of investigation, the present petitioner was implicated on the allegation that, despite being aware of the occurrence, he failed to report the commission of the offence to the police. Hence, the case was registered.

3. The learned counsel appearing for the petitioner would submit that though the case has been registered under the POCSO Act, the allegation against this petitioner is only under Section 21 of the POCSO Act for the alleged failure to report the commission of the offence to the police authorities. It is further submitted that there is absolutely no allegation in the FIR against this petitioner and he has been implicated only during the course of further investigation based on the statement of the victim. The learned counsel would further submit that similarly placed accused have already been enlarged on bail by this Court in Crl.O.P.No.15570 of 2026 dated 19.06.2026. Therefore, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) opposed the bail application on the ground that the petitioner failed to report the commission of the offence to the concerned police authorities despite having knowledge of the occurrence. However, it is not seriously disputed that similarly placed co-accused have already been enlarged on bail.



5. I have given anxious consideration to the submissions made by the learned counsel on either side.

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6. This Court is of the view that the allegation against the petitioner is confined to the offence under Section 21 of the POCSO Act for the alleged failure to report the occurrence. It is also seen that there is no allegation against the petitioner in the FIR. Taking into consideration the nature of the allegation, the fact that similarly placed co-accused have already been enlarged on bail in CrI.O.P.No.15570 of 2026 dated 19.06.2026 and further considering that the petitioner being women and her custodial interrogation is not required for the purpose of investigation, this Court is inclined to enlarge the petitioner on bail, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **learned Judicial Magistrate No.VI, Puducherry**, 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 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;

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(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 two weeks 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.

NSL

29-06-2026



To

1. The Inspector of Police,
Thirubuvanai Police Station, Puducherry District.

2. The Public Prosecutor
High Court of Madras.

3. The Judicial Magistrate No.VI, Puducherry.

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C.KUMARAPPAN, J.

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