2026:MHC:4489

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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL A No. 1220 of 2026

CNR: {HCMA012274872026}

Case QR

Agashtinraja
S/o. Chellan,
Palaiyapattu Street,
Ulundurpet, Kallakurichi.

...Appellant/Petitioner

Vs

1. The State Rep. by,
   The Deputy Superintendent of Police,
   Kallakurichi District.

2. The Station House Officer
   All Women Police Station - Ulundurpet,
   Kallakurichi District.
   Crime No.40 of 2026.

3. Bharathi
   W/o.Shanmugam,
   Girls Hostel Warden,
   Katurba Gandhi Balika Vidyalaya (KGBV)
   Undu Uraivida Palli,
   Kedilam, Pali Village,
   Ulundurpet Taluk,
   Kallakurichi District.

...Respondents

Prayer : Criminal Appeal filed under Section 14-A(2) of SC/ST Act, praying to set aside the order dated 25.08.2026 passed in Crl.MP.No.1658 of 2026 on the file of the Learned Principal District and

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Sessions Judge, Kallakurichi and to enlarge the appellant on bail in connection with Cr.No.40 of 2026 on the file of the Respondent Police.

For Appellant: Ms.S.Raji

For Respondents: Ms.Sharada Vivek
Additional Public Prosecutor
for R1 and R2

Ms.K.Meena .
Legal Aid Counsel
for R3

JUDGMENT

The Criminal Appeal challenges the order passed by the learned Principal District and Sessions Judge, Kallakurichi in Crl.M.P.No.1658 of 2026 dated 25.08.2026, dismissing the appellant's bail application filed in Cr.No.40 of 2026, registered for the offences under Sections 10, 11(1), 12, 9(f) of the POCSO Act r/w Section 3(1)(w)(i) of the SC/ST Act.

2. It is the case of the prosecution that the appellant was working as a PT teacher in a Government School at Thirunavalur Village; that he had committed aggravated sexual assault on some of the victim girls by inappropriately touching their shoulders, kissing, and hugging them; and

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that he had also caused sexual harassment to some of the victim girls by talking to them inappropriately and thus committed the aforesaid offences.

3. The learned counsel for the appellant would submit that the appellant has been dismissed from the school; that the final report has been filed and his further custody is not required for the purpose of investigation and trial and prayed for setting aside the impugned order.

4. Though notice has been sent to the victims and the *de-facto* complainant/third respondent, none has entered appearance. Hence, this Court appointed Ms.K.Meena as Legal Aid Counsel to represent the *de-facto* complainant.

5. The learned Legal Aid Counsel for the third respondent would submit that the appellant is a habitual offender; that he has not only misbehaved with several victims; that if he is let out on bail at this stage, there is a possibility of tampering with the witnesses; and prayed for dismissal of the appeal.

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6. Heard the learned Additional Public Prosecutor for the respondents 1 and 2, who would submit that the final report has now been filed before the trial Court.

7. By the impugned order, the learned Judge dismissed the bail application mainly on the ground that the investigation was incomplete and that victims had not made their statements under Section 183 of the BNSS before the learned Magistrate.

8. It is now reported that the investigation has been completed and a final report was filed on 16.10.2026. The allegation against the appellant, as could be seen from the final report, is that he had inappropriately touched the shoulders of few victims, hugged some of them, and had also passed lewd comments at some of the victims and caused sexual harassment.

9. The appellant has now been dismissed from the School. Considering the period of incarceration and the above facts, this Court is

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of the view that the impugned order is liable to be set aside, and the appellant is entitled to bail on the following conditions:

(i) The appellant shall execute 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 Principal District and Sessions Judge, Kallakurichi;

(ii) the appellant and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity;

(iii) the appellant shall appear before the trial Court on the first working day of every month and on all hearings;

(iv) the respondent police is directed to ensure that there is no threat to the life and safety of the de-facto complainant. In the event of any threat, appropriate steps are to be taken.

(v)the appellant shall not commit any offence of similar nature;

(vi) the appellant shall not abscond either during investigation or trial;

(vii)the appellant shall not tamper with evidence or witness either during investigation or trial;

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(viii)on breach of any of the aforesaid conditions, the learned Sessions Judge/Trial Court is entitled to take appropriate action against the appellant in accordance with law as if the conditions have been imposed and the appellant released on bail by the learned Sessions Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]*;

(ix)if the appellant thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

10. In view of the above, the impugned order, dated 25.08.2026 in Crl.M.P.No.1658 of 2026 passed by the learned Principal District and Sessions Judge, Kallakurichi, is set aside and the Criminal Appeal is allowed.

11. The High Court Legal Services Committee shall pay the scheduled fees to Ms.K.Meena, the learned Legal Aid Counsel for the third respondent.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
Note: Issue order copy today.
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To

1. The Principal District and Sessions Judge,
   Kallakurichi.

2. The Deputy Superintendent of Police
   Kallakurichi District.

3. The Station House Officer
   All Women Police Station - Ulundurpet,
   Kallakurichi Ditrict.

4. The District Jail,
   Vedampattu.

5. The Public Prosecutor,
   High Court of Madras,
   Chennai – 600 104.

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SUNDER MOHAN, J.

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