Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 30435 of 2026

CNR: {HCMA012525582026}

1. Rathinam

2. Sithaiyan

..Petitioner(s)

Vs

The State Rep by
The Inspector of Police
All Women Police Station,
Rasipuram,
Namakkal District.
Crime no.18 of 2026.

..Respondent(s)

PRAYER

This Criminal Original Petition is filed under Section 482 of BNSS praying to enlarge the petitioners on bail in the event of their arrest in Crime no.18/2026 pending investigation on the file of the Respondent.

For Petitioner(s): Mr.E Kannadasan

For Respondent(s): Mr.R.Rajasekaran
Government Advocate (Crl.Side)

ORDER

The petitioners apprehend arrest for the alleged offences under Sections 7 & 8 of the Protection of Children from Sexual Offences Act, 2012 (POCSO) in Crime No.**18 of 2026** on the file of the respondent police seeks anticipatory bail.

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2. The case of the prosecution is that the petitioners' son and the de facto complainant were married, and out of their wedlock, a female child was born. Due to misunderstandings that arose between them, they have been living separately. The petitioners' son resides with the petitioners along with the child. The de facto complainant has lodged a complaint alleging that the petitioners' son sexually abused his own 3 ½-year-old daughter.

3. The learned counsel for the petitioners submitted that the petitioners are innocent, a false case has been foisted upon them, and they have not committed any offence as alleged by the prosecution. He further submitted that A1 has already been granted anticipatory bail by this Court vide order dated 14.10.2026 passed in Crl.O.P.No.30186 of 2026. Pointing out that the petitioners herein are the grandparents of the child, the learned counsel submitted that they are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for the grant of anticipatory bail to the petitioners

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and opposed to grant anticipatory bail to the petitioners.

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5. I have given my anxious consideration to either side submissions.

6. The case of the prosecution is that the father of the victim child sexually abused his 3 ½-year-old daughter. The father, along with his parents (the petitioners herein), has been arrayed as an accused. Considering the nature of the allegations, the fact that the underlying dispute between the parties is matrimonial in nature, and the fact that A1 has already been granted anticipatory bail, this Court is of the firm view that the custodial interrogation of the petitioners is not warranted. Hence, this Court is inclined to enlarge the petitioners on anticipatory bail, subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **learned Sessions Judge, District Fast Track Mahila Court, Namakkal** on condition that **each of the petitioners 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 petitioners fail 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 slip (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 petitioners shall report before the respondent police 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners are 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 petitioners thereafter abscond, a fresh FIR can be registered under Section 269 of BNS Act.

29-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

1. The Sessions Judge,
   The District Fast Track Mahila Court,
   Namakkal

2. The Inspector of Police
   All Women Police Station,
   Rasipuram,
   Namakkal District.

3. The Public Prosecutor,
   High Court, Chennai,

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N.RAMESH, J.

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29-10-2026

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