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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 31256 of 2026

CNR: {HCMA012544862026}

Case QR

Elumalai @ Mohan
S/o Asamai,
No.2/198, West Street,
Kiliyur Village,
Ulundurpet Taluk,
Kallakurichi District - 606102.

..Petitioner(s)

Vs

The State Rep by The Inspector of Police
All Women Police Station,
Ulundurpet, Kallakurichi District.
Crime No.20 of 2026

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to pass an order enlarging the petitioner on bail in Crime No.20 of 2026 pending investigation on the file of the respondent police and to pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

For Petitioner(s): Mr.M.Elumalai

For Respondent(s): Mr.M.M.I. Khaleel
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.09.2026 for the alleged offences under Sections 332(c), 127(2), 64(1),

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118(1), and 351(3) of BNS, 2023 in Crime No.20 of 2026 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner allegedly trespassed into the house of the defacto complainant and sexually assaulted her. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and has been falsely implicated in this case without any basis. It is submitted that the petitioner has been in judicial custody since 18.09.2026 and that the petitioner is ready to cooperate with the investigation. The learned counsel would further contend that the petitioner is ready to abide by any condition imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner had trespassed into the house of the defacto complainant, committed rape. He further submitted that the investigation has been completed and the charge sheet has been filed and was taken on file in S.C. No.145 of 2026 and the case is now posted before the Trial Court on 12.11.2026. However, he opposed to grant bail to the petitioner.

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

6. It is a case of rape. Earlier, this Court, by order dated 29.10.2026, directed the respondent police to issue notice to the victim regarding the bail proceedings. It is now submitted by the learned counsel for the respondent that the notice has been duly served on the victim, but there is no response. However, considering the nature of the allegations, the period of incarceration already undergone by the petitioner and the fact that the investigation has been completed and the charge sheet has been filed, 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 on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty-Five Thousand only), with two sureties for a like sum each to the satisfaction of the learned **Judicial Magistrate Court No.I, Ulundurpet,** and subject to the following conditions:

> [a] 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 the identity proofs to ensure their identity;
>
> **[b] the petitioner shall report before the respondent**

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police twice daily at 10.30 a.m., and 5.30 p.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e] on breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions had been imposed and the petitioners released on bail by the learned Magistrate/Trial Court itself, as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)13 SCC 283];***

[f] if the petitioner thereafter abscond, a fresh FIR may be registered under Section 269 of the Bharatiya Nyaya Sanhita, 2023.

05-11-2026

DRL

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.

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To

1. The Judicial Magistrate Court No.I,
Ulundurpet.

2. The Inspector of Police
All Women Police Station,
Ulundurpet, Kallakurichi District.

3.The Superintendent,
District Jail, Villupuram in Vedampattu,
Villupuram District.

4.The Public Prosecutor,
High Court, Madras.

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N.RAMESH, J.

DRL

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