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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-10-2026

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THE HON'BLE MR. JUSTICE N.RAMESH

Crl.O.P.No.30869 of 2026

CNR: {HCMA012560772026}

A.Palanisamy ..Petitioner(s)

Vs

The State Rep. by,
The Inspector of Police
Gobi All Women Police Station.
Crime No.21 of 2026.

..Respondent(s)

PRAYER: Criminal Original Petition is filed petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner on bail in Spl.SC.No.136 of 2026 pending trial on the file of Learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Erode.

For Petitioner(s) : Mr. J.Ranjithkumar
For Respondent(s) : Mrs.R.S.Indira
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.06.2026 for the alleged offences punishable under Sections 7 & 8 of the Protection of Children from Sexual Offences (POCSO) Act, 2012, in Spl.SC.No.136 of 2026 pending trial on the file of Learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Erode, in connection with Crime No.21 of 2026, on the file of the respondent police, seeks regular bail.

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2. The case of the prosecution is that the petitioner, who is the father of the victim girl aged about 14 years, had committed repeated sexual assault on his own daughter in a drunken state. Consequently, the present case was registered against the petitioner.

3. Learned counsel appearing for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. He further undertakes that the petitioner will strictly abide by any stringent conditions imposed by this Court and will co-operate in the investigation. He further submits that the petitioner has been incarcerated in judicial custody since 10.06.2026. Hence, he prays that the petitioner may be granted bail.

4. On the other hand, the learned Additional Public Prosecutor appearing for the respondent strongly opposes the grant of bail to the petitioner and produced the statement of the victim girl recorded under Section 183 of BNSS. She further submits that it is the case where the petitioner/accused had touched inappropriately his own daughter/victim girl. He also submits the charge sheet in this case has been filed and the same has also been taken on the file of the Magalir Neethi Mandram (Fast Track Mahila Court), Erode, in Spl.S.C.No.136 of 2026. She also submits that the case now stands posted on 28.10.2026 for framing of charges.

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5. I have gone through the statement of the victim child. Considering the fact that the investigation in this case has been completed and the case has been posted for framing of charges and taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant regular bail to the petitioner, subject to strict conditions to ensure his presence during the trial.

6. 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, each for a like sum to the satisfaction of the learned Sessions Judge, **Magalir Neethi Mandram (Fast Track Mahila Court), Erode District,** and on further conditions that:

[a] The sureties shall affix his 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 his identity;

[b] The petitioner shall appear before the trial Court daily at 10.30 a.m. until further orders;

[c] The petitioner shall not, in any way, meet her daughter/victim, nor shall he attempt to influence the witnesses;

[d] The petitioner shall not abscond during trial;

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[e] The petitioner shall not tamper with the evidence or witness during trial;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

23-10-2026

Neutral Citation: Yes/No

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Note:

1. Registry is directed to forthwith upload this order on the Official Website of this Court.

2. All concerned to act on this order being uploaded on Official Website of this Court without insisting on certified hard copies. To be noted, this order, when uploaded on the official website of this Court, will be watermarked and will also have a QR code.

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To

1. The Sessions Judge,
   Magalir Neethi Mandram (Fast Track Mahila Court),
   Erode.

2. The Inspector of Police,
   Gobi All Women Police Station.

3. The Superintendent,
   District Jail, Gopichettipalayam.

4. The Public Prosecutor,
   High Court of Madras.

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N.RAMESH, J.

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