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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 30844 of 2026

CNR: {HCMA012563532026}

Case QR

Santhosh
S/o.Siva kumar,
No.82, Periya colony,
Kilapakkam,
Pandur,
Kancheepuram district.

..Petitioner(s)

Vs

The state rep.by its,
The Inspector of Police,
W-29 AWPS Avadi Police station,
Tiruvallur district.
Cr.No.35 of 2026.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, praying to enlarge the petitioner on anticipatory bail in connection with the Cr.No.35 of 2026 on the file of the respondent police.

For Petitioner(s): Vijayakumar V
For Respondent(s): Mr.R.Rajasekaran, Govt.Advocate (Crl.Side)

ORDER

The petitioner, apprehending arrest at the hands of the respondent Police for the alleged offences punishable under Sections 5(l) and 6 of the POCSO Act, 2012 in Crime No.35 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 petitioner allegedly developed a love relationship with the minor daughter of the de-facto complainant, Bhomika, and continued the relationship despite the family shifting their residence. On 23.05.2026, the petitioner allegedly promised to marry her and had sexual intercourse with her, knowing that she was below 18 years of age. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner and the victim were in a love affair, and that the petitioner is an innocent person who has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is ready and willing to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for the grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police reiterated the prosecution's case and strongly opposed the grant of anticipatory bail to the petitioner.

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5. I have given my anxious consideration to the submissions made on either side and perused the materials available on record.

6.It is a case registered under the POCSO Act, based on the complaint given by the mother on behalf of the victim. The FIR has been registered under Section 5(l) read with Section 6(1) of the POCSO Act. The victim was aged about 17½ years at the time of the alleged occurrence, and the petitioner is aged 25 years.

7. This Court has perused the statement of the victim recorded under Section 183(5) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), and on a perusal of the said statement, it is seen that no offence under the POCSO Act is prima facie made out against the petitioner. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

8. 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 Special Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvallur,** on condition that **the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only),** with **two sureties** each for a like sum to the

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satisfaction of the learned Magistrate concerned, and on further conditions:

(a) If the petitioner fails to surrender before the concerned 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;

(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 daily at 10:30 A.M., for a period of 15 days 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 was 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];***

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(e) If the petitioner thereafter abscond, a fresh FIR can be registered under Section 269 of BNS Act.

18-11-2026

MPA

To

1. The Special Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvallur.

2. The Inspector of Police,
W-29 AWPS Avadi Police station,
Tiruvallur district.
Cr.No.35 of 2026.

3. The Public Prosecutor, High Court of Madras.

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N.RAMESH, J.

MPA

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