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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 32049 of 2026

CNR: {HCMA012588022026}

Venkat @ Venkatachalam
S/o Perumal,
No.1/15, Athanur, Paythathampatty Post,
Pappireddipatty Taluk,
Dharmapuri District.

Case QR

..Petitioner(s)

Vs

The State rep. by Inspector of Police
All Women Police Station, Tiruvallur.
Crime No.04 of 2018

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner on bail for the alleged offence under sections U/s 354(A)(2),376(2)(n),506(ii) and Sec.5(i),5(j)(ii), r/w 6 and 21(1) of POCSO Act in Cr.No.04/2018 in Special Court for Exclusive Trial of Cases under the POCSO Act, Tiruvallur, in Spl.SC.No.1 of 2019 and thus render justice.

For Petitioner(s): Mr.Vidhyasagar S

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

ORDER

The petitioner seeks bail in Spl. S.C. No.1 of 2019 in Crime No.04 of 2018, on the file of the respondent police for the offence under Sections 354(A)(2), 376(2)(n), 506(ii) IPC and Section 5(I), 5(j)(ii), r/w 6 and 21(1) of POCSO

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Act. The petitioner has been remanded to judicial custody on 17.08.2026 on execution of NBW issued against him on 12.02.2025.

2. Learned counsel for the petitioner submitted that the petitioner is an accused facing trial in Spl. S.C. No.1 of 2019. Due to his non appearance, the NBW was issued against the petitioner on 12.02.2025 and after 1 ½ years, he was arrested on 17.08.2026. He further submitted that this is the third bail application filed by the petitioner. He further submitted that though the petitioner has been in judicial custody since 17.08.2026, the case is still in the same stage as that of the year 2024 for the past two years, no progress has been made and that after his arrest from 17.08.2026, no further examination is taken and as kept in custody any improvement in trial. Therefore, he prays for grant of bail to the petitioner.

3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner is facing trial in Spl. S.C. No.1 of 2019. Since the petitioner failed to appear before the trial Court, a NBW was issued against him on 12.02.2025, pursuant to which he was arrested and remanded to judicial custody on 17.08.2026. He further submitted that the case is now posted for LW.13 to 17 on 12.11.2026. Hence, he opposed for grant of bail to the petitioner.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

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5. It is a case under the POCSO Act. The Crime pertains to the year 2018, and the case in Spl.S.C.No.1 of 2018 is pending before the Special Court under the POCSO Act, Tiruvallur. The learned counsel for the petitioner submitted that the petitioner had been regularly appearing before the Trial Court from 2019 to 2025, during which period 10 witnesses were examined and the case was posted for LWs.13 to 17. Though, the petitioner has been in judicial custody from 17.08.2026, the case remains at the same stage as in the year 2024, without any progress in the trial. Considering the submissions made by the learned counsel for the petitioner and the fact that bail had already been granted to the petitioner and thereafter NBW was issued and immediately, the same has been executed and considering the fact that after completion of investigation, charge sheet has been filed and also considering the period of incarceration already undergone by the petitioner. In view of the above, this Court is inclined to grant bail to the petitioner with certain conditions:

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, for a like sum to the satisfaction of the **learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvallur,** and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety lhip [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The

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learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the Trial Court everyday at 10.30 a.m., until further orders, without fail.

[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 petitioner in accordance with law as if the conditions had been imposed and the petitioner 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.

8. The Trial Court is directed to expedite the trial and complete the same within a period of four months from the date of receipt of a copy of this order. Accordingly, this Criminal Original Petition is allowed.

10-11-2026

DRL

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To

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

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

3.The Superintendent, Central Prison II,
Puzhal.

4.The Public Prosecutor,
High Court, Madras.

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N.RAMESH, J.

DRL

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