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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 31968 of 2026

CNR: {HCMA012601372026}

Ghouse Basha

Case QR

..Petitioner(s)

Vs

The State Rep. by, The Inspector of Police
W-17, All Women Police Station,
Chennai.
Crime No.32 of 2026.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioners/Accused on bail and pending investigation in Cr.No.32 of 2026 on the file of the Inspector of Polie,W-17, All Women Police Station, Sembium,Chennai District and thus render justice.

For Petitioner(s): Manikandan S
For Respondent(s): Mr.M.M.I.Khaleel, Govt.Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.09.2026 for the alleged offence under Sections 9(1)(m)(n) r/w. 10 of POCSO Act, 2012, in Crime No.32 of 2026 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that on 25.09.2026, the de facto complainant lodged a complaint against the petitioner, alleging that on 20.09.2026, he had aggravatedly sexually assaulted her minor daughter by touching her intimate parts. Hence, the present case was registered.

3. The learned counsel for the petitioner submitted that the petitioner is innocent, has been falsely implicated in this case, and has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and, therefore, prayed for the grant of bail.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent police strongly opposed the grant of bail. Upon instructions, he reiterated the prosecution case and submitted that the minor victim is aged about six years, the petitioner is aged about 36 years and is the father of the victim child, and the investigation is still pending.

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

6. A perusal of the statement of the minor victim recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) reveals that while this is

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a case registered under the POCSO Act, the allegation, according to the child, is confined to an instance of bad touch. Therefore, considering the nature of the allegations, the facts and circumstances of the case, and the period of incarceration already undergone by the petitioner, 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 to the satisfaction of the **learned Special Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai,** and on further conditions that:

[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 police daily at 10.30 a.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 pass appropriate orders against the petitioner in accordance with

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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];**

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

04-11-2026

MPA

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 Special Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai.

2. The Inspector of Police
W-17, All Women Police Station,
Chennai.
Crime No.32 of 2026.

3.The Superintendent, Central Prison,
Puzhal-II.

4.The Public Prosecutor,
High Court, Madras.

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N.RAMESH, J.

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