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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL.O.P.No.32395 of 2026

CNR: {HCMA012607882026}

Gajendiran

Case QR

..Petitioner

Vs

The State of represented by Station House Officer,
Rishivandiyam Police Station,
Kallakurichi District.
Crime No.117/2025

..Respondent

PRAYER: To enlarge the petitioner on bail pending investigation in the Spl.SC.No.123 of 2026, on the file of Principal District and Sessions Judge at Kallakurichi.

For Petitioner : Mr.R.Shriharan

For Respondent : Mr.M.M.I.Khaleel,
Government Advocate (Crl.side)

ORDER

The petitioner was arrested and has been in judicial custody since 16.05.2025 in connection with Crime No.117 of 2025 for offences punishable under Sections 96, 296(b) and 351(3) of the Bharatiya Nyaya Sanhita (BNS) read with Sections 3 and 4 of the Protection of Children from Sexual Offences (POCSO) Act subsequently altered to Sections 96, 296(b), and 351(3) of the BNS read with Sections 5(m) and 6 of the POCSO Act.

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2. The gist of the allegation is that the petitioner committed sexual assault upon the victim child, who was aged about 8 years at the time of the occurrence.

3. The learned counsel for the petitioner submits that the charge sheet has already been filed and the matter stands posted on 12.11.2026 for the examination of the victim child (LW1). It is further submitted that the petitioner has undergone a prolonged period of incarceration for more than a year and five months since 16.05.2025, and though he was initially detained under the Goondas Act, the said detention order has subsequently been set aside and revoked by the Advisory Board.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police vehemently opposed the grant of bail considering the heinous nature of the offense committed against a minor child aged 8 years and that the trial is scheduled to commence on 12.11.2026.

5. This Court has carefully perused the statement of the victim child recorded under Section 164 of the Cr.P.C.. Considering the facts and circumstances of the case, the nature and gravity of the allegations, the stage of the proceedings where the trial is poised for the examination of LW1 on 12.11.2026, and more particularly, the lengthy period of judicial custody undergone by the petitioner from 16.05.2025, this Court is inclined to grant bail

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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, each for a like sum to the satisfaction of the learned **Principal District and Sessions Judge, Kallakurichi,** 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 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 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];**

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

05.11.2026

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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.

To

1. The Principal District and Sessions Judge, Kallakurichi.

2. The Superintendent of Police,
Central Prison, Cuddalore..

3. The Station House Officer,
Rishivandiyam Police Station,
Kallakurichi District.

4. The Public Prosecutor,
High Court of Madras.

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N.RAMESH, J.

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