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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 32449 of 2026

CNR: {HCMA012653952026}

Ajith

..Petitioner(s)

Vs

Case QR

The State Rep.by, The Inspector of Police
Tiruvannamalai All Women Police Statioln,
Tiruvannamalai District.
Cr.No.21 of 2024.

..Respondent(s)

To enlarge the petitioner on bail in Spl.S.C.No.229 of 2025 pending trial on the file of the learned Special Court for Exclusive Trial of Cases under Pocso Act, Tiruvannamalai.

For Petitioner(s) : Sathiyaraj E.

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

ORDER

The petitioner was arrested on 06.10.2026 and has been in judicial custody since then in connection with Crime No.21 of 2024 for offences punishable under Sections 450 and 376(n) of the Indian Penal Code, Section 332 of the Bharatiya Nyaya Sanhita (BNS), 2023, and Sections 5(i), 5(m), 5(n), 6(1), 9(n), 10, and 18 of the Protection of Children from Sexual Offences (POCSO) Act.

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2. The learned counsel for the petitioner submits that the petitioner had been continuously appearing before the trial court during the trial proceedings. However, due to his non-appearance on a single hearing date, i.e., 18.06.2026, as no petition was filed to condone his absence, a Non-Bailable Warrant (NBW) was issued against him. In execution of the said warrant, the petitioner was arrested and remanded on 06.10.2026. The learned counsel explains that the petitioner's absence on 18.06.2026 was neither willful nor deliberate, but was owing to the fact that he met with an accident at Chennai and was incapacitated for a period of four months. It is further submitted that four witnesses have already been examined by the trial court, the matter stands posted today for the examination of LW5 and LW6, and the petitioner is ready to abide by any stringent conditions.

3. The learned Government Advocate (Criminal Side) appearing for the respondent police opposed the grant of bail on the ground that the petitioner absconded during the trial, which necessitated the issuance and execution of the NBW.

4. Considering the facts and circumstances of the case, the explanation offered for the petitioner's absence due to an accident, the fact that he had otherwise been regular in his appearance, and the period of custody undergone since the execution of the NBW on 06.10.2026, this Court is inclined to grant

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bail to the petitioner with certain conditions.

5. **In the result, this Criminal Original Petition is allowed and 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 **Special Court for Exclusive Trial of Cases Under POCSO Act, Tiruvannamalai,** 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 Trial Court on all working days daily at 10.30 a.m., for a period of 30 days and on all hearing dates 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, and shall not maintain any contact with the witnesses to the occurrence, the officials dealing with the case, or any other person who might be connected to the occurrence;

[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

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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.

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 Special Court for Exclusive Trial of Cases Under POCSO Act, Tiruvannamalai.

2. The Superintendent, Central Prison, Vellore.

3. The Inspector of Police Tiruvannamalai All Women Police Statioln, Tiruvannamalai District.

4. The Public Prosecutor,
High Court of Madras.

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N.RAMESH

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CRL.O.P.No.32449 of 2026

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