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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 32948 of 2026

Bharathiraja,
S/o.Ramachandhiran,
211, Kulakarai Street,
Vadathalaikulam,
Uluttur, Cuddalore. ...Petitioner/Sole Accused

Vs

The State of Tamil Nadu Rep by its,
The Station House Officer,
All Women Police Station, Kallakurichi,
Kallakurichi District. ...Respondent/Complainant
(Crime No.55 of 2026)

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Cr.No.55 of 2026 on the file of the respondent police.

For Petitioner(s): M/s.R.Raji

For Respondent(s): Mr.Durai Gunasekaran,
Govt.Advocate (Crl.Side)

O R D E R

The Petitioner, who was arrested and remanded to judicial custody on 15.09.2026 for the alleged offence under Sections 7 and 8 of POCSO Act, 2012, in Crime No.55 of 2026 on the file of the respondent police, seeks bail.

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2. The case of the proseuction is that the victim girl, aged about 14 years, is studying in the 9th standard in a Government School. The mother of the victim girl was allegedly having an illicit relationship with the petitioner. On 05.09.2026, at about 02.00a.m., while the victim girl was sleeping in her bedroom, the petitioner allegedly entered her room and sexually assaulted her. Based on the complaint, the respondent police registered a case in Crime No.55 of 2026 against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and has been falsely implicated in this case. He further submitted that the petitioner has been in judicial custody since 15.09.2026. He also further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the Petitioner.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the Respondent Police reiterated the prosecution case and submitted that the investigation has been completed and the charge sheet has been filed in Spl.SC.No.132 of 2026. However, he strongly opposed the grant of bail to the petitioner.

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5. I have carefully gone through the statement of the victim recorded under Section 183 of B.N.S.S and perused the materials available on record.

6. Considering the nature and gravity of the allegations, the statement of the victim recorded under Section 183 of the BNSS , the period of incarceration already undergone by the petitioner and the materials available on record, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on him 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 Session Judge, Kallakurichi,** 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 Trial Court daily at 10.30 a.m., until the examination of the victim child.

[c] the petitioner shall not abscond either during investigation or trial;

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[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 acc 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];**

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

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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 Session Judge,
Kallakurichi.

2.The Station House Officer,
All Women Police Station, Kallakurichi, Kallakurichi District.

3.The Superintendent,
District Jail, Vedampattu,

4.The Public Prosecutor,
High Court, Madras.

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N.RAMESH, J.

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