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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **08.01.2026**

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CrI.O.P.No.36071 of 2025

1. Raja
2. Ramesh
3. Sharmila
4. Sandhiya

... Petitioners

Vs.

State Rep by its,
The Inspector of Police,
W-5 AWPS, Selaiyur
Crime No.41 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in connection with Crime No.41 of 2025 pending investigation on the file of the respondent police.

For Petitioners : Mr.R.Dinesh

For Respondent : Mr.A.Gopinath
Government Advocate (CrI. Side)

ORDER

The petitioners who were arrested and remanded to judicial custody on 14.11.2025 for the alleged offence under Sections 5(1), 5(m), 6,9(1),9(m),10 of POCSO Act & U/s 75,77 of JJ Act in Crime No.41 of 2025 on the file of the respondent police, seek bail.



2. The case of the prosecution is that petitioners are residing within the jurisdiction of Selaiyur Police Station and they have developed relationship with the mother of the victim girl, when she was undergoing treatment in the Government Hospital. The petitioners seduced the defacto complainant to stay with them along with her three daughters. Thereafter, while staying with the petitioners, the mother of the victim girl/ defacto complainant found that the petitioners pretended themselves as they are living as a family and misbehaved with the victim children and at one stage the second petitioner/ Ramesh administered drugs to one of the victim girls and assaulted her to do unwanted things including sexual assault on the victim girl. Hence, the complaint.

3. The learned counsel for the petitioners would submit that this Court had already granted bail to one of the co-accused in CrI.O.P.No.1645 of 2025 on 20.11.2025 stating that it is not the case of the penetrative sexual assault and the petitioners are in custody from 14.11.2025 and ready to abide by any condition that may be imposed by this Court. Therefore, he prays for grant bail to the petitioner.



4. The learned Government Advocate (Crl.side) reiterated the prosecution case and submitted that this Court while considering the bail petition in Crl.O.P.No.34468 of 2025 had dismissed the bail petition stating that A3 administer drugs to do unwanted things including sexual assault. He further submitted that investigation in this case is not yet completed and opposed to grant bail to the petitioners.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Taking note of the fact that the second petitioner/Ramesh is the main accused in this case **I am not inclined to grant bail to him and this petition is dismissed with regard to** second petitioner/Ramesh.

7. Considering the submissions of the learned counsel on either side, the fact that it is not a case of either aggravate penetrative sexual assault or penetrative sexual assault and considering the period of incarceration undergone by the first, third and fourth petitioners this Court is inclined to grant bail to the first, third and fourth petitioners on certain conditions.

8. Accordingly, the first, third and fourth petitioners is ordered to



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be released on bail on her executing a bond for a sum of **Rs.20,000/-**
(Rupees Twenty Thousand only) with two sureties, for a like sum to the
satisfaction of the *learned Sessions Judge, Pocso Court at Chengalpet* ,
and on further conditions that:-

[a] the sureties shall affix their photographs and
Left Thumb Impression in the surety bond and the Magistrate
may obtain a copy of their Aadhar card or Bank pass Book to
ensure their identity;

**[b] the first, third and fourth petitioners
shall report before the respondent police daily at 10.30
a.m., for a period of three weeks and thereafter as and
when required for interrogation.**

[c] the first, third and fourth petitioners shall not
abscond either during investigation or trial;

[d] the first, third and fourth petitioners shall not
tamper with the evidence or witness either during
investigation or trial;



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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the first, third and fourth petitioners in accordance with law as if the conditions have been imposed and the first, third and fourth petitioners 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)AIR SCW 5560];

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

08.01.2026

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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.

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To

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1. The *Judicial Magistrate, Pennagaram*

2. The The Inspector of Police,
W-5 AWPS, Selaiyur

3. The Superintendent,
Central Prison, Puzhal

4. The Public Prosecutor,
High Court, Madras.



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K.RAJASEKAR, J.,

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