



Crl.O.P.(MD)No.4082 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.04.2026

PRESENT

THE HONOURABLE MR. JUSTICE P. DHANABAL

CRL OP(MD). No. 4082 of 2026

Sivachandru

...Petitioner

Vs

State of Tamil Nadu rep. by
The Inspector of Police,
Thevaram Police Station,
Theni District.
(Crime No.238 of 2025)

...Respondent/Complainant

For Petitioner : Mr.P.Senguttuarasan for Mr.A.Arputharaj
Advocate.

For Respondent : Mr.B.Nambi Selvan
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Cr.No. 238 of 2025 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / Accused, who was arrested and remanded to judicial custody on 28.08.2025 for the offences punishable under Sections 87 of BNS, under Sections 5(1), 5(j)(ii) r/w 6 of POCSO Act, 2012, in Crime No.238 of



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2025 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that on 28.08.2025, the petitioner committed penetrative sexual assault on the victim child for several times. Consequently the victim child became pregnant. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he was falsely implicated in this case and he has not committed any offence as alleged by the prosecution. He in judicial custody for about 170 days. Hence, he prayed bail for the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the offence are grave in nature. The victim is aged about 15 years. The accused is aged about 24 years. The investigation has been completed and charge sheet also filed before the concerned Court and now the case is pending for trial in Spl.S.C.No.12 of 2026 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Theni. Victim was also examined in chief. Hence, he vehemently opposed the grant of bail to the petitioner. The petitioner was already detained under Act 14 of Tamil Nadu Act, 1982 and the same was revoked.



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5. This Court heard both sides and perused the materials available on record.

6. Considering the rival submissions made by the learned counsel on either side, considering the nature of charges levelled against the petitioner, the investigation has been completed and charge sheet has also been filed and the case is now pending for trial in Spl.S.C.No.12 of 2026, the victim was also examined in this case, though the petitioner was already detained under Act 14 of the TN Act, 1982, later it was revoked and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten 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, Theni, and on further conditions that:

[b] the petitioner shall report before the trial Court namely Special Court for Exclusive Trial of Cases under POCSO Act, Theni, at 10.30 a.m., on all working days, until further orders.



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[c] the petitioner shall not commit any offence similar to the offence of which he/she is accused, or suspected, or of the commission of which he/she is suspected;

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

[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the 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)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

(P D B J)
20.04.2026

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To

- 1.The Special Court for Exclusive Trial of Cases under POCSO Act, Theni.
- 2.The Inspector of Police,
Thevaram Police Station,
Theni District.
(Crime No.238 of 2025)
- 3.The Superintendent, District Prison, Theni.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P. DHANABAL, J.

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ORDER
IN
CRL OP(MD) No. 4082 of 2026

Date : 20.04.2026