



CRL OP(MD). No. 4838 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25.03.2026

PRESENT

THE HONOURABLE MR. JUSTICE P. DHANABAL

CRL OP(MD). No. 4838 of 2026

Balasubramaniam

...Petitioner/Accused

Vs

1. State of Tamil Nadu rep. by
The Inspector of Police,
All Women Police Station
Uthamapalayam
Theni.
(Crime No. 8 of 2020)

2.Karthiga

*(R2 is suo motu impleaded vide order dated 05.03.2026
in Crl.O.P.(MD) No.4838 of 2026)*

...Respondent/Complainant

For Petitioner : Mr.M.Gandhirajan
Advocate.

For R1 : Mr.B.Nambi Selvan
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS



CRL OP(MD). No. 4838 of 2026

PRAYER :-

WEB COPY

For Bail in Cr.No. 8 of 2020 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 27.11.2025 for the offences punishable under Sections 449, 376(3) of IPC and 5(j),(ii) r/w 6 of POCSO Act and 3(i),(w) r/w 3(2) (V) of SC/ST (PoA) Act, 2015 @ Sections 3(1)(r), 3(1)(s), 3(2)(V), 3(1) (W)(i) and SC/ST (PoA) Amendment Act 2015 and Sections 449, 376(3) of IPC and 5(j)(ii), 5(1), 6(1), 5(n) of POCSO Act in Crime No. 8 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the father of the victim and he has committed penetrated sexual assault to the victim. 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 would further submit that he has been arrested and remanded to judicial



CRL OP(MD). No. 4838 of 2026

custody on 27.11.2025. Therefore, prayed to grant bail for the petitioner.

WEB COPY

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the investigation is completed and charge sheet was also filed and the same is taken on file in Spl.S.C.No.47 of 2023 on the file of the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Theni and the statement of the victim was recorded under Section 183 of BNSS, 2023 and also the petitioner has no previous case. He would further submit that the trial is commenced and subsequently, collected samples for DNA test and awaiting for the DNA test report and hence, he strongly opposed to grant bail to the petitioner.

5. This Court heard both sides and perused the materials available on record, including the statement of the victim recorded under Section 183 of BNSS, 2023.

6. Considering the rival submissions made by the learned counsel on either side, and considering the facts that the investigation is completed and trial also commenced and the petitioner has no previous case and also considering the period of incarceration undergone by the



CRL OP(MD). No. 4838 of 2026

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 Principal Special Court for Exclusive Trial of Cases under POCSO Act, Theni, and on further conditions that:

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

[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



CRL OP(MD). No. 4838 of 2026

WEB COPY

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)
25.03.2026

apd

To

1.The Principal Special Court for Exclusive Trial of
Cases under POCSO Act,
Theni

5/7



CRL OP(MD). No. 4838 of 2026

2. The Inspector of Police,
All Women Police Station
Uthamapalayam
Theni.
3. The Superintendent, District Jail, Theni.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



CRL OP(MD). No. 4838 of 2026

P. DHANABAL, J

apd

ORDER
IN
CRL OP(MD) No. 4838 of 2026

Date : 25.03.2026