



CRL OP(MD). No.5373 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18.03.2026

PRESENT

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

CRL OP(MD)No.5373 of 2026

Ilavarasu

... Petitioner / Accused

Versus

The State of Tamilnadu,
Rep by the Inspector of Police,
Vadamadurai All Women Police Station,
Dindigul District.
(Crime No.25 of 2025)

... Respondent / Complainant

PRAYER :-Criminal Original Petition filed under Section 483 of the BNSS, 2023, to enlarge the petitioner on bail in Crime No.25 of 2026 on the file of the respondent police.

For Petitioner : Mr.Dr.R.Alagumani
Advocate

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



CRL OP(MD). No.5373 of 2026

ORDER : The Court made the following order :-

WEB COPY

The petitioner, who was arrested and remanded to judicial custody on 19.12.2025 for the offences punishable under Sections 5(1), 5(j) (ii) read with 6 of POCSO Act in Crime No.25 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner befriended the victim girl and allegedly developed a relationship with her, and on the pretext of marriage, committed penetrative sexual assault on the victim. Hence, the present case has been registered for the aforesaid offences.

3. The learned counsel appearing for the petitioner submitted that the petitioner had married the victim girl much prior to the occurrence, and when the victim became pregnant, he took her to the hospital; at that time, it was found that the victim girl was a minor, and hence, information was passed to the Social Welfare Officer. Thereafter, a case was registered for the offences punishable under Sections.5(1), 5(j)(ii) r/w.Section 6 of POCSO Act. He further stated that the petitioner had married the victim girl, and that their marriage was not disputed by her



CRL OP(MD). No.5373 of 2026

parents and other relatives. In this regard, the petitioner and the victim girl have filed affidavit before this Court. The petitioner is an innocent person and that he has not committed any offence as alleged by the prosecution. Hence, he seeks the grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent strongly opposed to grant of bail to the petitioner. The filing of the affidavit is not matter to be considered at the time of granting bail.

5. This Court heard the learned counsels appearing on either side and perused the materials placed on record.

6. Considering the fact that the victim girl submitted statement before the concerned Judicial Magistrate and stating that the marriage between the petitioner and the victim girl was solemnized only with the consent of the victim girl, her parents and other family members. Now, the petitioner is aged about 21 years and the victim girl is aged about 16 year and also taking into account the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner, subject to certain conditions.



CRL OP(MD). No.5373 of 2026

7. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail on executing 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, Dindigul, and on further conditions that :-

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

[c] If the petitioner retracts from the matrimonial relationship with the intent to deprive the victim girl of the marital tie, the bail granted by this Court shall automatically stand cancelled.

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;



CRL OP(MD). No.5373 of 2026

WEB COPY

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

[f] On breach of any of the aforesaid conditions, the learned 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 is 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]***; and

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

18.03.2026

gvn



WEB COPY



CRL OP(MD). No.5373 of 2026

K.K.RAMAKRISHNAN,J.

gvn

To

- 1.The Special Court for Exclusive Trial of Cases
under POCSO Act, Dindigul
- 2.The Superintendent,
District Jail, Dindigul
3. The Inspector of Police,
Vadamadurai All Women Police Station,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.5373 of 2026

Date : 18.03.2026