



CRL OP(MD). No. 6953 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 09.04.2026

PRESENT

THE HONOURABLE MR. JUSTICE P. DHANABAL

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Santhoshkumar @ Santhosh
...Petitioner/Sole Accused

Vs

State of Tamil Nadu rep. by
The Inspector of Police,
Kalugumalai Police Station,
Thoothukudi District.
(Crime No.109 of 2024)
...Respondent/Complainant

For Petitioner:Mr.M.Maria Vinola
For Respondent:Mr.P.Kottai Chamy
Government Advocate (Crl. Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-to enlarge the petitioner on bail in
Spl.S.C.No.164 of 2024 on the file of the Special
Court for Exclusive Trial of Cases under POCSO

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Act, Thoothukudi, in Crime No.109 of 2024 on the
file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 01.02.2026 for the offences punishable under Section 363 of IPC and Section 9 of Prohibition of Child Marriage Act, 2006 and Section 5(1) r/w 6 of POCSO Act, in Crime No.109 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 23.06.2024, the defacto complainant's daughter eloped and got married to the petitioner. At the time of occurrence, the victim girl was aged about only 16 years. Thereafter, the defacto complainant lodged a complaint and the respondent Police registered a case in Crime No.109 of 2024. After completing of investigation, the respondent



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Police filed a final report and the same was taken on file in Spl.S.C.No.164 of 2024 by the Special Court for Exclusive Trial of Cases under the POCSO Act, Thoothukudi and the trial was commenced. Hence, the complaint.

3. It is not in dispute that since the petitioner has not turned up for the hearing, Non-Bailable Warrant (NBW) was ordered to be issued on 04.07.2025 and the same was executed on 01.02.2026 and he is still in judicial custody.

4.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. Hence, he prays to grant bail to the petitioner.

5. The learned Additional Public Prosecutor appearing for the respondent would submit that



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due to non-appearance, the Non-Bailable Warrant was issued against the petitioner. Hence, he strongly opposed to grant bail to the petitioner.

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

7. Considering the rival submissions made by the learned counsel on either side, nature of offence, and considering the fact that already the petitioner was granted bail and thereafter, due to non-appearance, NBW was issued and now the case is posted for examination of witnesses and also 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



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Rs.10,000/- (Rupees Ten Thousand only)

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with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under the POCSO Act, Thoothukudi and on further conditions that:

[b] the petitioner shall report before the learned Sessions Judge, Special Court for Exclusive Trial of Cases under the POCSO Act, Thoothukudi, 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;



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[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].



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

(P D B J)

09.04.2026

vsg

To

1.The learned Sessions Judge, Special Court for
Exclusive Trial of Cases under the POCSO Act,
Thoothukudi.

2.The Inspector of Police,
Kalugumalai Police Station,
Thoothukudi District.

3.The Superintendent, Perurani District Jail,
Thoothukudi.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P. DHANABAL, J

vsg

ORDER
IN
CRL OP (MD) No. 6953 of 2026

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