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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 20/04/2026

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THE HONOURABLE MR. JUSTICE P. DHANABAL

CRL OP(MD). No.7587 of 2026

Hariharan @ Hari

... Petitioner/Sole Accused

Vs

State of Tamilnadu Rep by,
The Inspector of Police,
All Women Police Station,
Aundipatti, Theni District.
(In Crime No.2 of 2026)

... Respondent/Complainant

PRAYER :-

For bail in Crime No.2 of 2026 on the file of the respondent police.

For Petitioner : P.Micheal Sebastin,
Advocate.

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

ORDER : The Court made the following order :-

The petitioner / Accused, who was arrested and remanded to



judicial custody on 26.02.2026 for the offences punishable under Sections 332 of BNS, 2023 and Sections 11(1) and 12 of POCSO Act, 2006, in Crime No.2 of 2026 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the father of the victim girl and on 21.01.2026, at about 01.30 a.m, the petitioner was found with the victim child in the same bed under single blanket. On seeing the defacto complainant, he fled away from the scene of occurrence. Hence, this 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 the petitioner has no previous case and he has been arrested and remanded to judicial custody on 26.02.2026. Therefore, prayed to grant bail for the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is said to have sexually



abused the victim girl and the investigation was completed and final report was filed before the concerned Court and the case is pending for trial and no previous case is pending against the petitioner.

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, nature of offence, and already investigation was completed and charge sheet was filed before the concerned Court and the case is pending for trial and no previous case is pending against the petitioner 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 **Principal Sessions Court for Exclusive Trial of Cases under POCSO**



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Act, Theni, and on further conditions that:

[b] the petitioner shall report before the trial Court, daily 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 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.



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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

dss

To

- 1.The Principal Sessions Court for Exclusive Trial of Cases under POCSO Act, Theni.
- 2.The Inspector of Police,
All Women Police Station,
Aundipatti, Theni District.
3. The Superintendent,
Sub Jail, Thekkampatti, Theni.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P. DHANABAL,J

DSS

ORDER
IN
CRL OP(MD) No.7587 of 2026

Date : 20/04/2026