



WEB COPY



CrI.O.P.(MD)No.8196 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30.04.2026

PRESENT

THE HONOURABLE MR. JUSTICE P. DHANABAL

CRL OP(MD). No. 8196 of 2026

Divagar

...Petitioner

Vs

State of Tamil Nadu rep. by
The Inspector of Police,
All Women Police Station,
Orathanadu, Thanjavur District.
(Crime No.13 of 2024)

...Respondent/Complainant

For Petitioner : Mr.S.Sharma for Mr.R.Ilayaraja
Advocate.

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

For Intervenor : Mr.R.Alagumani

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Cr.No. 13 of 2024 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 14.08.2024, for the offences punishable under Sections 127(2),



Crl.O.P.(MD)No.8196 of 2026

118(1), 70(1), 351(3), 308(5) and 61(2) of BNS, in Crime No.13 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused persons forcibly obtained the mobile phone, ATM Card, and other personal belongings of the defacto complainant. Thereafter, they detained her in a shed and assault her to give the password and pin numbers. Thereafter, they committed sexual assault upon the victim girl and vediodgraphed the same as directed by the first accused. 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. Though the petitioner was detained under Goondas, the detain order was quashed by the High Court. He is in custody for 1.8 years. 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 petitioner along with other accused persons committed gang rape upon the victim. Subsequently, escaped from the place of occurrence and they have been secured by a special



Crl.O.P.(MD)No.8196 of 2026

team. Now the case is fag end of trial. Only officials witnesses are remaining to examine. Hence, he vehemently opposed the grant of bail to the petitioner.

5.The learned counsel for the intervenor strongly opposed the grant of bail to the petitioner on the ground that the offence is grave in nature. Already co-accused was granted interim bail.

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, considering the nature of charges levelled against the petitioner, already investigation has been completed and the case is posted for trial, almost all the witnesses have been examined, now the case is posted only for official witnesses 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



CrI.O.P.(MD)No.8196 of 2026

satisfaction of the learned District and Sessions Judge, Special Court for the Exclusive Trial of POCSO Act Cases, Thanjavur, and on further conditions that:

[b] the petitioner shall report before the learned District and Sessions Judge, Special Court for the Exclusive Trial of POCSO Act Cases, Thanjavur, at 10.30 a.m., on all working days, 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



Crl.O.P.(MD)No.8196 of 2026

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)
30.04.2026

TM

To

1.The District and Sessions Judge, Special Court for the Exclusive Trial of POCSO Act Cases, Thanjavur.

2.The Inspector of Police,
All Women Police Station,
Orathanadu, Thanjavur District. (Crime No.13 of 2024)

3.The Superintendent, Central Prison, Tiruchirappalli.

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



WEB COPY



Crl.O.P.(MD)No.8196 of 2026

P. DHANABAL, J.

TM

ORDER
IN
CRL OP(MD) No. 8196 of 2026

Date : 30.04.2026