



CRL OP(MD). No.10111 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/06/2026

PRESENT

The HONOURABLE MR. JUSTICE P. DHANABAL

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Sivaprasath

... Petitioner/Accused

Vs

The State of Tamilnadu,
Rep By, The Inspector of Police,
AWPS Kanyakumari,
Kanyakumari District.
Cr.No.38/2025.

... Respondent/Complainant

For Petitioner : Mr.I. Romeo Roy Alfred

For Respondent : Mr.G.Ganesh Kumar,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To enlarge the petitioner on bail in Spl S.C.No.8 of 2026 on the file of the learned Special Court for Exclusive Trial of cases under the POCSO Act, Nagercoil.



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ORDER : The Court made the following order :-

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The petitioner / Accused, who was arrested and remanded to judicial custody on 29.11.2025 for the offences punishable under Sections 5(1) and 6 of POCSO Act in Crime No. 38 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the victim, who was a minor at the time of occurrence were fell in love and on the pretext of marrying the victim, the petitioner had sexual intercourse. 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 custody on 29.11.2025. Therefore, prayed to grant bail for the petitioner.



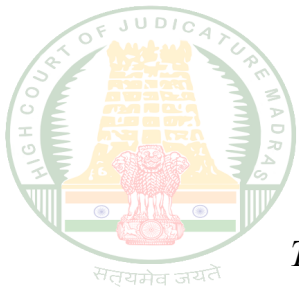
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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that based on the complaint lodged by the victim, the case has been registered. He would further submit that though the investigation has been completed and charge sheet filed, considering the grave nature of offence, he strongly opposed to grant bail to 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 considering the facts that the statement of victim under Section 183 of BNSS was recorded; that the period of incarceration undergone by the petitioner as well as the stage of completion of investigation, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees



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*Ten Thousand only) with two sureties each for a like sum to the satisfaction of the **learned Sessions Judge, POCSO Court, Kanyakumari District at Nagercoil**, and on further conditions that:*

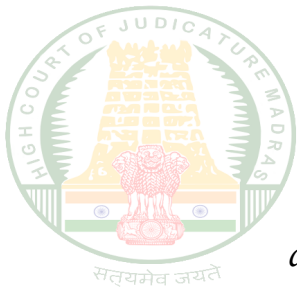
*[b] the petitioner shall report before the **POCSO Court, Kanyakumari District at Nagercoil daily at 10.30 a.m., until further orders;***

[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



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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)
04.06.2026

PNM

TO

1. The Sessions Judge,
POCSO Court, Kanyakumari District at Nagercoil
2. Do-Through The Chief Judicial Magistrate,
Kanyakumari District.
3. The Superintendent, District Jail, Nagercoil.
4. The Inspector of Police,
AWPS, Kanyakumari,
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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P. DHANABAL,J

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ORDER
IN
CRL OP(MD) No.10111 of 2026

Date : 04/06/2026