



CRL OP(MD). No.11288 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/06/2026

PRESENT

The HONOURABLE MR. JUSTICE P. DHANABAL

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Shek Mohamed

... Petitioner/Accused

Vs

State of Tamilnadu Rep by
Inspector of Police,, All Women Police Station,
Periyakulam, Theni District.
(Crime No. 19/2026).

... Respondent/Complainant

For Petitioner : Mr.S.Sathyachidambaram,

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To call for the records and enlarge the Petitioner/Accused on BAIL in connection with Crime No. 19 of 2026 on the file of the respondent police.

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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 26.04.2026 for the offences punishable under Sections 9(m), 10 of POCSO Act, 2012 in Crime No. 19 of 2026.. on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 25.04.2026 at about 21.15 hours, the victim, who was aged 9 years, was passing by the Prime Hardware shop located at Periyakulam New Bus Stand, Pattapuli Street. At that time, the accused, who was present near the shop grabbed the hand of the victim, pulled her and indulged in inappropriate touching of her body, thereby, committed the offence of sexual assault. 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 26.04.2026. Therefore, prayed to grant



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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 mother of the victim, the case has been registered. The petitioner is a history sheeted rowdy. He would further submit that though the investigation has been completed, 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 petitioner has no previous case; 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:



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

*[b] the petitioner shall report before the **POCSO Court, Theni** 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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence;



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[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].

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

(P D B J)
16.06.2026

PNM

TO

1. The Sessions Judge, POCSO Court, Theni.
2. Do-Through The Chief Judicial Magistrate, Theni District.
3. The Superintendent, District Jail, Thekkampatti, Theni District.
4. The Inspector of Police,, All Women Police Station, Periyakulam, Theni District.
5. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

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P. DHANABAL,J

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ORDER
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