
(2025) 10 MH CK 0028

Madras HC

Case No: Criminal Original Petition (MD) No. 17970 Of 2025

Ayyanar

APPELLANT

Vs

State Of Tamil Nadu

RESPONDENT

Date of Decision: Oct. 27, 2025

Acts Referred:

- Protection Of Children From Sexual Offences Act, 2012 — Section 11(1), 12
- Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 183
- Bharatiya Nyaya Sanhita, 2023 — Section 269

Hon'ble Judges: S.Srimathy, J

Bench: Single Bench

Advocate: Aran, K.Sivabalan, E.Antony Sahaya Prabahar

Judgement

S.Srimathy, J

1. The petitioner, who was arrested and remanded to judicial custody on 31.08.2025 for the offences punishable under Sections 11(1) r/w 12 of POCSO Act, 2012, in Crime No.35 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is said to have shown his private part to the victim girl and asked her to have a physical relationship. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offences as alleged by the prosecution. He further submitted that the petitioner is ready and willing to abide by any conditions which may be imposed by this Court and he is in judicial custody from 31.08.2025. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that there is no previous case pending against the petitioner, and the statement under Section 183 BNSS has been recorded from the victim girl. He further submitted that the investigation has been completed. However, he opposed for grant of bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and the fact that the statement under Section 183 BNSS has been recorded from the victim girl, wherein, there is no penetrative sexual assault on the victim girl and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on executing 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, Mahila Court, Tiruchirappalli, and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall stay at Madurai and report before the Inspector of Police, All Women Police Station, Thallakulam, daily at 10.30 a.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned 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].

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