

**(2025) 12 MAD CK 0031**

**Madras HC**

**Case No:** Criminal Original Petition (MD) No. 19526 Of 2025

Parimalam Arockiyaraj

APPELLANT

Vs

State Of Tamilnadu

RESPONDENT

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**Date of Decision:** Dec. 8, 2025

**Acts Referred:**

- Protection Of Children From Sexual Offences Act, 2012-Section 5(1), 6, 19, 21(2)
- Bharatiya Nyaya Sanhita, 2023-Section 269

**Hon'ble Judges:** S.Srimathy, J

**Bench:** Single Bench

**Advocate:** S.Deenadhayalan, E.Antony Sahaya Prabahar

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### **Judgement**

S.Srimathy, J

1. The petitioner seeks bail in Spl.S.C.No.96/2025 on the file of the learned Special Judge (FAC) Special Court for Exclusive Trial of Cases Under POCSO Act, Thoothukudi.

2. The petitioner, who was arrested and remanded to judicial custody on 13.01.2025 for the offences punishable under Sections 5(1), 6, 19 and 21(2) of POCSO Act, in Crime No.4 of 2025 on the file of the respondent police.

3. The case of the prosecution is that the the petitioner is said to have misbehaved with the defacto complainant's son. Hence, the complaint.

4. 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 in judicial custody from 13.01.2025. Hence, he seeks bail to the petitioner.

5. The learned Additional Public Prosecutor submitted that the petitioner had committed aggravated penetrative sexual assault on the defacto complainant's son and also submitted that the petitioner has filed a bail petition before the learned Special Judge (FAC) Special Court for

Exclusive Trial of Cases Under POCSO Act, Thoothukudi in CrI.M.P.No.402 of 2025 and the same was dismissed on 25.10.2025. Therefore, he opposed for grant of bail to the petitioner.

6. Taking into consideration of the facts and circumstances of the case 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:

7. 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 Special Judge (FAC) Special Court for Exclusive Trial of Cases Under POCSO Act, Thoothukudi and on further conditions that :-

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall stay at Trichy and report before the Inspector of Police, Cantonment police Station, Trichy District daily at 10.30 a.m., until further orders.

(c) The petitioner is directed not to intimidate the victim

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

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

[f] 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 is 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.