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CRL OP No. 26266 of 2



Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-09-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 26266 of 2026

CNR:{HCMA012183812026}



Case QR

Abubakar

..Petitioner

Vs

The State Rep. by,
The Station House Officer
All Women Police Station-Thirukoilur,
Kallakurichi District.
Crime No.45 of 2026.

..Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner on bail in Cr.No.45 of 2026 on the file of the Respondent Police.

For Petitioner:

M/s.R.Raji

For Respondent:

Mr.M.M.I.Khaleel
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.08.2026 for the alleged offences under Sections 78 (1), 115 (2) of BNS, 2023 r/w. 11 (4), 12 of POCSO Act, 2012 in Crime No.45 of 2026 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that the petitioner along with two others allegedly followed the daughter of the de facto complainant on a two-wheeler from behind and pulled her by her uniform chudidhar. When she resisted and swatted his hand away, she fell down. Thereafter, he allegedly slapped her on the cheek, causing her to run away in fear. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in the present case and that he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the Petitioner.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the Respondent Police reiterated the prosecution case and submitted that the petitioner has been incarcerated since 19.08.2026. Hence, he opposed the grant of bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Considering the facts and circumstances of the case; taking note of the



submission made by the learned Government Advocate (Crl.Side); it is observed that *prima facie*, the above averments cannot attract the provisions of POCSO Act. Considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties each**, for a like sum to the satisfaction of the **learned Principal District and Sessions/Judge, Kallakurichi**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the respondent police everyday 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 the evidence or witness either during investigation or trial;

[e] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed



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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)13 SCC 283]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

17-09-2026

SHL/VE

Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.

2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To:

1. The Principal District and Sessions Judge,
Kallakurichi

2. The District Jail, Vedampattu.

3. The Station House officer,
All Women Police Station-Thirukoilur,
Kallakurichi District.

4. The Public Prosecutor
High Court of Madras



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N.RAMESH J.

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