

(2026) 02 MAD CK 1753

In the Madras High Court

Case No : Criminal Original Petition No. 3777 Of 2026

Vijayakumar

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 16-02-2026

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 75(1)(ii), 75(2), 78(1)(i), 78(2), 115(2), 183, 269, 351(3)

Protection Of Children From Sexual Offences Act, 2012 — Section 11(1)(i), 11(1)(iv), 12

Tamil Nadu Prohibition Of Harassment Of Women Act, 1998 — Section 4

Citation : (2026) 02 MAD CK 1753

Hon'ble Judges : K.Rajasekar, J

Bench : Single Bench

Advocate : J.Pradeep, A.Gopinath

Judgement

K.Rajasekar, J

1. The petitioner, who was arrested and remanded to judicial custody on 22.12.2025 for the offences punishable under Sections 75(1)(ii) r/w.75(2), 78(1)(i) r/w.78(2), 115(2), 351(3) of BNS Act, 2023 and Sections 11(1)(i), 11(1)(iv) r/w.12 of POCSO Act and Section 4 of TNPHW Act, in Crime No.276 of 2025 on the file of the respondent police, seeks bail.

2.The allegation against the petitioner is that the petitioner continuously stalked the victim girl and, despite her refusal and denial, assaulted her in a public place. Consequently, she lodged a complaint. The petitioner has been arrested and is presently in judicial custody.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He submitted that it is not the case of sexual assault and he is in custody from 22.12.2025 and the petitioner is also ready to abide by any other stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail

to the petitioner.

4.The learned Government Advocate (Crl.Side) for the respondent police reiterated the prosecution case and handed over the statement of victim girl recorded under Section 183 of BNS and he further submitted that the petitioner is having two previous cases. Hence, he opposed for the grant of bail to the petitioner.

5.Considering the fact that it is not a case of penetrative sexual assault but one of continuous stalking, and that the petitioner has been in judicial custody from 22.12.2025, and further considering that two previous cases have been cited and both have been disposed of, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties, for a like sum to the satisfaction of the learned Special Court for Exclusive Trial of Cases Under POCSO Act, Tiruvannamalai 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., for a period of two weeks and thereafter as and when required for interrogation; It is made clear that the petitioner shall not enter into jurisdictional limit of the police station in which victim is residing and he shall not contact the victim girl in any manner;

[c] 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 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];

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