

(2026) 08 MAD CK 1252
In the Madras High Court, Madurai Bench
Case No : CRL OP(MD). No.16400 of 2026

Yogi

APPELLANT

Vs

State of Tamil Nadu

RESPONDENT

Date of Decision : 05-08-2026

Acts Referred:

Protection of Children from Sexual Offences Act, 2012 — Section 5(l), 5(j)(ii), 6
Bharatiya Nyaya Sanhita, 2023 — Section 269

Citation : (2026) 08 MAD CK 1252

Hon'ble Judges : K. Rajasekar, J.

Bench : Single Bench

Advocate : For Petitioner: Mr.P.Balasubramani, Advocate; For Respondent: Mr.N.Balasubramanian, Counsel for State of TN (Crl.Side)

Final Decision : Allowed

Judgement

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 15.06.2026 for the alleged offence under Sections 5(l), 5(j)(ii) and 6 of POCSO Act, in Spl.S.C.No.40 of 2024 on the file of the learned Sessions Judge (Fast Track Mahila Court), Karur, in connection with Crime No.4 of 2024, on the file of the respondent police, seeks bail.

2. The allegation against the petitioner is that the victim and the petitioner loved each other and taking advantage of their loneliness, when the victim was alone in her house, the petitioner has forcibly committed penetrative sexual assault on her and hence, the complaint was lodged. The petitioner was arrested and in custody. Subsequently, he was released on bail and thereafter, he was regularly appeared before the trial Court. Since the petitioner has not turned up for the hearing, Non-Bailable Warrant (NBW) was ordered to be issued on 19.12.2025. Thereafter, the NBW was executed on 15.06.2026 and he is in judicial custody.

3. The learned counsel for the petitioner submitted that the petitioner was absent on the date of hearing due to ill health. Since he did not appear before the trial Court, a non-bailable warrant was issued on 19.12.2025, which was

subsequently executed on 15.06.2026. He further submitted that the petitioner is in incarceration from 15.06.2026 and that the trial has not progressed. He also submitted that the petitioner is ready to cooperate with the trial proceedings. Hence, he prayed for the grant of bail to the petitioner.

4. The learned Counsel for the State of TN (Crl. Side) appearing for the respondent would submit that due to non-appearance, the Non-Bailable Warrant was issued against the petitioner and the same was executed on 15.06.2026. He would further submit that the case in Spl.S.C.No.40 of 2024 on the file of the learned Sessions Judge (Fast Track Mahila Court), Karur, is posted for examination of L.W.11 to L.W. 15. Hence, 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 facts and circumstances of the case and the fact that already the petitioner was arrested and released on bail, the petitioner is not having any previous cases and also considering the period of incarceration, I am inclined to grant bail to the petitioner subject to certain conditions.

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties each for a like sum to the satisfaction of the **learned Sessions Judge (Fast Track Mahila Court), Karur**, and on further conditions that:

[b] the petitioner shall report before the learned Sessions Judge (Fast Track Mahila Court), Karur, on all working days at 10.30 a.m., for a period of three weeks or till the conclusion of the trial, which ever is earlier.

[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 her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[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.