

RAHMAN Vs State Rep by

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Court : Chennai

Decided On : Jan-30-2026

Judge : Honourable Mr.Justice K.Rajasekar

Appeal No. : CRL OP/1604/2026

Appellant : Rahman

Respondent : State Rep by

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2026

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR CRL OP NO.1604 of 2026 Rahman ... Petitioner Vs The State rep. by, The Inspector of Police, Ennore All Women Police Station, Chennai. (Crime No.343of 2025) ... Respondent PRAYER Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime No. 343 of 2025 on the file of the respondent police For Petitioner(s) : Mr.S. Karthick For Respondent(s) : Mr. A. Gopinath Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.10.2025 for the offence under Section 9 of Child Marriage Act r/w Section 6 of POCSO Act, 2006 in Crime No.343 of 2025, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner stalked with the

victim her aged about 17 years and kidnapped her to Peripalayam under the pretext to marry her and committed aggravated penetrative sexual assault on her. Hence a case was registered by the respondent police. 3.The learned counsel appearing for the petitioner submitted that the petitioner and the victim girl loved each and the victim girl also accompanied her and they both went to a temple. He further submitted that the victim girl is aged about 18 years and suppressing the age the case has been registered and the petitioner is in judicial custody from 30.10.2025 and he is ready to abide by any conditions that may be imposed by this Court and sought for bail to the petitioner. 4.The learned Government Advocate (Criminal Side) appearing for the respondent while opposing the bail to the petitioner, reiterated the prosecution case and submitted that the victim girl is aged about 17 years and the petitioner is aged about 25 years and it is a case of aggravated penetrative sexual assault and now the victim girl is secured . Hence, he opposed to grant bail to the petitioner. 5.Considering the facts and circumstances of the case, and the manner in which the occurrence has taken place and the fact that the victim girl was secured and considering the period of incarceration undergone by the Petitioner, this Court is inclined to grant bail to the petitioners herein with certain conditions. 6.Accordingly, the petitioner is ordered to be released on bail on their executing 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 Special Court for Trial of Cases under POCSO Act Court at Tiruvallur 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 appear before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation; [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 abscond, a fresh FIR can be registered under Section 269 of B.N.S. 30.01.2026
smn 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 Inspector of Police, Ennore All Women Police Station, Chennai.

2. The Special Court for Trial of Cases under POCSO Act Court at Tiruvallur

3. The Superintendent, Central Prison, Puzhal, Chennai

4. The Public Prosecutor, High Court of Madras.

K. RAJASEKAR, J.

smn Crl.O.P. No.1604 of 2026 30.01.2026

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