

S.Hari Vs State by,

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Court : Chennai

Decided On : Feb-06-2026

Judge : Honourable Mr.Justice K.Rajasekar

Appeal No. : CRL OP/2797/2026

Appellant : S.Hari

Respondent : State by,

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-02-2026

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR CRL OP NO.2797 of 2026 S. Hari ... Petitioner/ Accused Vs The State rep. by, The Inspector of Police, SRMC All Women Police Station, Avadi, Chennai. (Crime No.1 of 2026) ... Respondent PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner/accused in Crime No.1 of 2026 on the file of the respondent police. For Petitioner(s) : Mr. K.R. Ramesh Kumar For Respondent(s) : Mr. A. Gopinath Government Advocate (Crl. Side) *****

ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.01.2026 for the offences punishable under Sections 9(f) r/w Section 10 of POCSO Act, 2012 in Crime No.01 of 2025, registered on the file of the respondent police, seeks bail.

2. The allegation against the petitioner herein is that, the petitioner

is a Physical Education Teacher, in which the victim girl, who is aged about 14 years is studying and taking advantage of the same, he misbehaved with her by touching her inappropriately in her chest and harassed her. Hence, this case.

3. The learned counsel appearing for the petitioner submitted that

the petitioner has been falsely implicated in this case and he is in judicial custody since 07.01.2026; that the petitioner had only taught the victim girl about good and bad touch and it is not the case of penetrative sexual assault; and that the petitioner 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 (Crl. Side) appearing for the

respondent while opposing the bail to the petitioner reiterated the prosecution case and submitted that the statement of the victim girl is recorded; and that the investigation of this case is pending.

5. I have considering the submissions made on both sides and perused the materials available on record, including the 183 BNSS statement of the victim girl.

6. Though the victim girl had narrated various events in her

statement, considering the fact that it is not the case of penetrative sexual assault and taking note of the period of incarceration undergone by the petitioner herein, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on

her 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 learned Sessions Judge, Special Court Exclusive Trial of Cases under POCSO Act, 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 report before the respondent police daily at 10:30 a.m., for a period of three 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 absconds, a fresh FIR can be registered under Section 269 of B.N.S. 06.02.2026 stn 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 Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvallur.

2. The Inspector of Police, SRMC All Women Police Station, Avadi, Chennai. (Crime No.1 of 2026)

3. The Superintendent, Puzhal Prison, Chennai.

4. The Public Prosecutor, High Court of Madras.

K. RAJASEKAR, J.

stn Crl.O.P. No.2797 of 2026 06.02.2026

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