



In the Court of the Principal Special Court for Exclusive
Trial of Cases under POCSO Act , Theni.

Present: Tmt. S. Ezhil, M.L.,
Sessions Judge, Theni.

Dated this the 12th day of August 2026

CrI.M.P. No. 390/2026 in

Cr.No. No. 306/2026

CNR No.TNTH- 19 -000549 -2026

Malairaman @ Malaichamy_(18/2026)

S/o. Jayaraman

... Petitioner/Accused

-Versus-

State by the Inspector of Police,

Rajathani Police Station

in Crime No.306/2026

... Respondent/Complainant

This petition is coming up on this day before me for hearing in the presence of Thiru. P. Jothibass learned Counsel for the petitioner and the Learned Special Public Prosecutor for the State and this Court passed the following:

ORDER

This petition has been filed by the petitioner/accused under section 482 of Bharathiya Nagarik Suraksha Sanhita seeking anticipatory bail.

2. The prosecution case is as follows;

On 03.08.2026 at 07.40 a.m., the victim girl and the petitioner were conversing at the victim girl's home. When the son of the complainant's sister, Jothi, witnessed this and asked the petitioner why he was speaking to his sister, the petitioner retorted, "I will speak to her so what?" and struck Kaviyan on the



head with a floor-mopping tool. Therefore case registered against them u/s 329(4), 118(1) BNS and u/s 11(4) and 12 of the Protection of Children from Sexual Offence Act 2012.

3. Objection received from the prosecution.

4. The Point for determination is that can the petitioner be released on bail?

5. **Answer:-**

The F.I.R. perused. It is alleged in the F.I.R. that the victim girl and the petitioner were conversing at the victim girl's home. When the son of the complainant's sister, Jothi, witnessed this and asked the petitioner why he was speaking to his sister, the petitioner retorted and struck Kaviyan on the head with a floor-mopping tool. The prosecution submitted that statement of the victim was not recorded u/s 183 of BNSS 2023 and investigation is pending. Having considered the facts of the case and nature of the offence, this court is inclined to release the petitioner on anticipatory bail.

It is ordered that in the event of arrest by the respondent police or the petitioner surrender before this court within 15 days from the date of order, he shall be released on conditional bail on their each executing a bond for a sum of Rs.10,000/- with two sureties each for the like sum. The following conditions are imposed upon him.



i) The petitioner shall appear before Rajathani Police Station daily at 10.00 a.m., for the period of 30 days.

ii) The petitioner shall not dissuade or tamper with the prosecution witnesses.

iii The petitioner shall not abscond either during the investigation or trial.

7. In the case of any violation of the bail conditions order, this court will take appropriate action in view of the judgment of the Hon'ble Supreme Court in P.K.Shaji – Vs- State of Kerala (2005) AIR SCW 5560).

8. If the petitioners/accused thereafter abscond, a fresh FIR will be registered under Section 269 of BNS 2023.

Order Pronounced by me in open Court on this the 12th day of August 2026.

Sessions Judge,
Theni.



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Order Dated 12.08.2026**