



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 29/05/2020

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PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5502 of 2020

DINESH

... PETITIONER/ACCUSED NO.1

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
KULASEKARAPATTINAM POLICE STATION,
THOOTHUKUDI DISTRICT
(IN CRIME.NO.32 OF 2020).

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.V.Angusamy,
Advocate.

For Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime.No.32 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2. The petitioner is arrayed as Accused No.1. He was arrested and remanded to Judicial Custody on 08.03.2020 for the offences punishable under section 5 (1) r/w Section 6 of POCSO Act, in Crime No.32 of 2020 on the file of the respondent police. He seeks bail.

3. Based on the complaint given by one Sowmiya, aged about 17 years. The petitioner had been arrested on 07.03.2020 for the alleged offence under Section 5 (1) r/w Section 6 of POCSO Act.



4.The statements of the victim girl under Section 164 Cr.P.C., has already recorded. The medical examination of the victim girl has been completed.

5.Considering the facts that an occurrence took place on 10.11.2019 and the complaint has been given after four months and the petitioner was arrested on 07.03.2020, since the substantial portion of the investigation is already completed, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly the petitioner is ordered to be released on bail on executing bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) and the petitioner shall furnish with two sureties for likesum to the satisfaction of the Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi, and on further condition that,

i)the petitioner shall report before the respondent police as and when required for interrogation.

ii)the petitioner shall not tamper with evidence or witness.

iii) the petitioner shall not abscond during trial.

iv)On breach of any of the aforesaid conditions, the learned 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].

v) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
29/05/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL
OF CASES UNDER POCSO ACT,
THOOTHUKUDI

2 THE INSPECTOR OF POLICE
KULASEKARAPATTINAM POLICE STATION,
THOOTHUKUDI DISTRICT.



3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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ORDER

IN

CRL OP(MD) No.5502 of 2020

Date :29/05/2020

VSG

JM/PN/SAR 3/29.05.2020/3P/5C