



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

Date : 09/06/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.5800 of 2020

S.Krishnasamy,

... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
All Women Police Station,
Sattur,
Virudhunagar District.
(Crime No. 2 of 2020).

... Respondent/Complainant

For Petitioner : Mr.T.Thirumurugan,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

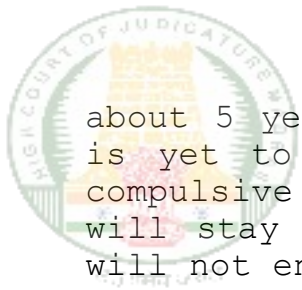
For Bail in Crime No.2 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioner is in custody since 16.02.2020 for the offences punishable under Sections 7 r/w 8, 3 r/w 4, 5(m) r/w 6 of Protection of Child from Sexual Offences Act, 2012 and seeks bail.

3.The learned counsel appearing for the petitioner states that the petitioner is aged about 53 years and the victim is a child aged



about 5 years. Eventhough more than 108 days lapsed, final report is yet to be filed and therefore, the petitioner is entitled to compulsive bail. The petitioner gives a further undertaking that he will stay either at Virudhunagar or at Srivilliputhur and that he will not enter into Sattur limits till the victim is examined.

WEB COPY

4. Recording the said undertaking given by the petitioner through his counsel that he will stay away from Sattur limits till the victim is examined, I am inclined to enlarge the petitioner on bail with certain conditions. It is made clear that if this undertaking is breached, this Court will not hesitate to cancel the bail now granted to the petitioner. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the Special Session Court for POCSO Cases, Virudhunagar District at Srivilliputhur;

(ii) the petitioner is directed to appear before the respondent police as and when required for interrogation;

(iii) on breach of any of the aforesaid conditions, the 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 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].

sd/-
09/06/2020

/ TRUE COPY /

/ /2020

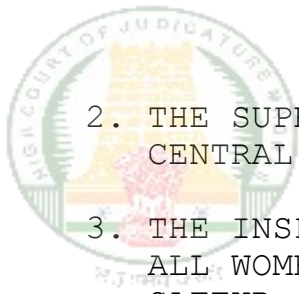
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1 THE JUDGE,
SPECIAL SESSION COURT FOR POCSO CASES,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

<https://hcservices.ecourts.gov.in/hcservices/>



2. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SATTUR,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.5800 of 2020

Date :09/06/2020

Myr

AE/PN/SAR-II (09.06.2020) 3P 5C