



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

Date : 07/08/2020
PRESENT

WEB COPY

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7416 of 2020

R.Anandaramalingakumar

... Petitioner/Accused No.2

Vs

The State rep. by
The Inspector of Police,
All Women Police Station,
Rajapalayam,
Virudhunagar District
(In Crime No. 8 of 2020).

... Respondent/Complainant

For Petitioner : M/s.S.Malaikani,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

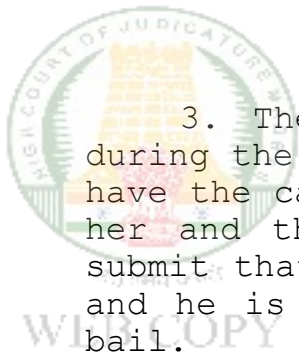
PRAYER :-

For Bail in Crime No. 8 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 06.06.2020 for the alleged offences under Sections 5(1), 6,7,8 of POCSO Act and Sections 328 and 506(ii) of IPC.

2. There are totally six accused in this case. The petitioner herein is arrayed as A2. The victim girl is aged about 12 years. The petitioner herein is the friend of the victim girl. The case of the prosecution is that during the month of March 2019, A3 in this case said to have the called the victim girl near Subam bakery and sexually abused her. Thereafter during the second week of April 2019, the petitioner/A2 herein said to have the called victim girl to the subam bakery and sexually assaulted her. Thereafter in the month of May,2019 A1 in this case took the victim girl to his house and also had sexual intercourse with her. Thereafter once again on 02.06.2020 A1 in this case took the victim girl to his house and had sexual intercourse with her. Based on the above allegations the crime has been registered on 05.06.2020.



3. The learned counsel for the petitioner would submit that during the second week of April 2019, the petitioner herein said to have called the victim girl to the subam bakery and sexually abused her and the main allegations are against A1 only. He would also submit that a false case has been registered against the petitioner and he is in jail for nearly two months, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that the victim girl is aged about 12 years and A1 to A3 in this case is said to have sexually assaulted the minor /victim girl.

5. Considered the rival submission and perused the records and also the statement given by the victim under Section 164 of Cr.P.C.

6. From the materials available on records it is seen that the petitioner herein the friend of the victim. So far as this petitioner is concerned he sexually assaulted the victim girl in the month of April. 2019. The main allegations are against A1 only as if he only took the victim girl to his house and had forcible sexual intercourse with her.

7. Taking note of the above facts and circumstances of the case and also taking note of the fact that the main allegation is against A1 and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the Special Court for trial of cases under POCSO Act, Virudhuangar District

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police once in a week on every Monday at 10.30 a.m until further orders.

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

iv) the petitioner shall not abscond during trial.

v) 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].

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

sd/-
07/08/2020

/ 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 SPECIAL JUDGE FOR TRIAL
OF CASES UNDER POCSO ACT,
VIRUDHUNAGAR DISTRICT.
2. THE OFFICER INCHARGE,
DISTRICT JAIL,
DINDIGUL.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.MALAIKANI, Advocate (SR-5922[I] dated 07/08/2020)

ORDER
IN
CRL OP(MD) No.7416 of 2020
Date :07/08/2020

AAV

<https://hcservices.ecourts.gov.in/hcservices/> 07.08.2020/ 3P/6C