



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

Date : 18/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8554 of 2020

Vinothkumar ... Petitioner/Accused No.3

Vs

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

... Respondent/Complainant

For Petitioner : M/s. Ramasamy,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

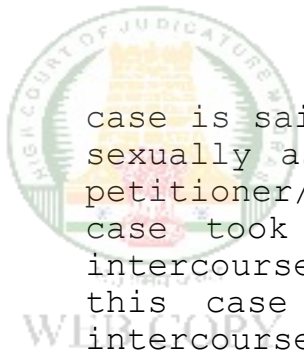
PRAYER :-

For Bail in Crime No.8 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A3 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 A3. The victim girl is aged about 12 years. The case of the prosecution is that during the month of March 2019, the petitioner herein in this case said to have called the victim girl near Subam bakery and sexually assaulted her. Thereafter during the second week of April 2019, the A2 in this



case is said to have the called victim girl to the subam bakery and sexually assaulted her. Thereafter in the month of May,2019. This petitioner/A3 also sexually assaulted the victim girl. 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 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 more than two months. He would also submit that co-accused namely A2 and A4 were granted bail by this Court, hence he may be granted bail.

4. The learned Additional Public Prosecutor 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. He would also submit that co-accused namely A2 and A4 were granted bail by this Court

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 main allegations are against A1 only as if he only took the victim girl to his house and had penetrative sexual assault on her. It is also stated that A2 and A4 were granted bail by this Court.

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 and also the fact that co-accused in this case was released on bail by this Court, 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 at Srivilliputhur

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/-

18/08/2020

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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 COURT FOR TRIAL OF CASES UNDER POCSO ACT,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 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.

ORDER

IN

CRL OP(MD) No.8554 of 2020

Date :18/08/2020

AAV

AE/JC/SAR-II (19.08.2020) 3P 5C

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