



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

Date : 30/11/2020

PRESENT

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

CRL OP(MD). No.9400 of 2020

Arunkumar

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Papanasam, Thanjavur District.
Crime No.6 of 2019

... Respondent/Complainant

For Petitioner : M/S.D.Saranya, Advocate

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

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

PRAYER :-

For Bail in Cr.No.6 of 2019 on the file of the respondent police.

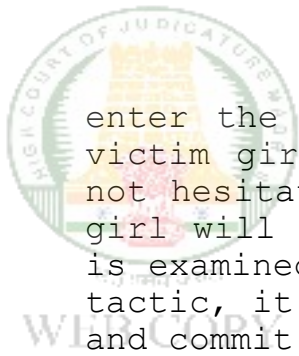
ORDER : The Court made the following order :-

The petitioner is in custody since 10.11.2019 for the offence under Section 5(m) r/w. 6 of Protection of Children from Sexual Offences Act, 2012, in Crime No.6 of 2019, on the file of the respondent police. Hence he seeks bail.

2.The victim girl is aged only about six years. Considering the serious allegations, the petitioner's earlier bail petition was dismissed.

3.The learned Government Advocate (Crl. Side) states that trial will commence shortly and the victim girl will also be examined in the month of December, 2020 itself.

4.It appears from the statement recorded from the victim girl, the petitioner had fingered the private part of the child. Taking note of the period of incarceration, I am inclined to enlarge the petitioner on bail. However, the petitioner will have to necessarily stay outside the Thanjavur District limits till the victim girl is examined. Under no circumstance, the petitioner will



enter the limits of Thanjavur District or come in contact with the victim girl or her family. If this condition is breached, I will not hesitate to commit the petitioner to custody again. The victim girl will have to be cross-examined on the same day, on which she is examined in chief. If the petitioner tries to adopt any delaying tactic, it is open to the trial Court to cancel the bail now granted and commit the petitioner to custody.

5. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Court for Exclusive Trial of Cases under POSCO Act, Thanjavur District.

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

(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 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].

sd/-
30/11/2020

/ 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 COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, THANJAVUR DISTRICT.

2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TANJAVUR DISTRICT.

<https://hcserv120112.9041m/hcserv1445>



3.THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

WEB COPY

ORDER

IN

CRL OP(MD) No.9400 of 2020

Date :30/11/2020

IAS

TK/PN/SAR.2/30.11.2020/3P/5C