



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/09/2020

WEB COPY

PRESENT

The Hon'ble Mr. Justice V. BHARATHIDASAN

CRL OP(MD). No.9739 of 2020

Sudharsan

... Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
All Women Police Station,
Aundipatty, Theni District.
In Crime No. 10 of 2020.

... Respondent/Complainant

For Petitioner : M/s.A.Mithun Chakravarthi,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.10 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/sole accused herein was arrested and remanded to judicial custody on 19.07.2020 for the alleged offences under Sections 341 of IPC and Sections 10,12 of POCSO Act.

2. The victim girl is aged about 16 years. The case of the prosecution is that on 15.07.2020 when the victim girl was going to school to get books the petitioner herein intercepted her and pulled her shawl and also pushed her down . The petitioner has also teased her several times despite warning given by the parents of the victim girl

3. The learned counsel for the petitioner would submit that the petitioner herein was charged for offences under Sections 10,12 of POCSO Act and absolutely there is no allegation of sexual assault. He would also submit that the petitioner is in jail for more than 50 days, hence he may be granted bail.



4. The learned Government Advocate(Criminal Side) would submit this is the second bail application and the petitioner herein is a habitual offender and he often used to tease the school going children.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that there is serious allegation of sexual assault and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Mahila Special Court, Theni.

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 daily 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/-
14/09/2020

/ 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,
MAHILA SPECIAL COURT,
THENI.
2. THE OFFICER INCHARGE,
DISTRICT PRISON,
THENI.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
AUNDIPATTY,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9739 of 2020
Date :14/09/2020

AAV
SRS/ JC/ SAR-IV/ 14.09.2020/ 3P/5C