



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/09/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9792 of 2020

Udhayavalli

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Keelasevalpatti,
Sivagangai.
Crime No.131 of 2020.

... Respondent/Complainant

For Petitioner : M/s.K.S.Durai Pandian,
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 Cr.No.131 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 01.08.2020 for the alleged offences under Sections 11(1) and 12 of the Protection of Child from Sexual Offences Act, 2012.

2. The victim in this case is the 13 years old school going boy and the petitioner and the victim are neighbour. The case of the prosecution is that earlier when the victim in this case while playing accidentally broken the window glass of the petitioner . Thereafter the petitioner herein said to have harassed the boy asking money and also said to have sexually assaulted him. Based on the complaint given by the father of the victim, complaint has been given and the petitioner was arrested.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case due to



previous enmity. He would also submit that the petitioner is in jail for nearly 40 days, hence she may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that the victim has given statement under Section 164 Cr.P.C before the learned Magistrate alleging sexual assault. He would also submit that investigation is completed and the final report has been filed by the respondent police before the Special Court for POCSO Act Cases Court, Sivagangai and the same has been taken cognizance in Spl.S.C.No.22 of 2020

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that there is no 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 her 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 POCSO Act Cases, Sivagangai

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 as and when required for interrogation.

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/-
15/09/2020

/ 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,
SPECIAL COURT FOR POCSO ACT CASES,
SIVAGANGAI.
2. THE OFFICER INCHARGE, SUB JAIL,
NILAKOTTAI.
3. THE INSPECTOR OF POLICE,
KEELASEVALPATTI, SIVAGANGAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.9792 of 2020

Date :15/09/2020

MS/PN/SAR-1/15.09.2020/3P.5C