



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.10310 of 2020

Anbu@anbarasan,
S/o.Thangaraj,
1/79, Chettiar Street,
Pulipatti, West Street,
Melur, Madurai..

... Petitioner/Accused

Vs

The Inspector of Police,
All Women Police Station,
Virudhunagar District.
in Cr.No. 13 of 2019..

... Respondent/Complainant

For Petitioner	:	M/s. M. Jerin Mathew, Advocate.
For Respondent	:	Mr.K.Suyambulinga Bharathi, Government Advocate (Crl.Side)

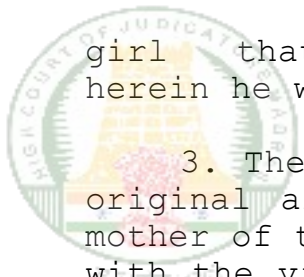
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-For a Bail in Cr.No.13 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2 herein was arrested and remanded to judicial custody on 17.07.2020 for the alleged offences under Sections 5(L), 5(N), 5(i) & ii r/w.6 of POCSO Act and Sections 363, 506(i) of IPC.

2. The case of the prosecution is that earlier the mother of the minor victim girl has given complaint against A1, who is brother of the defacto complainant and the maternal uncle of the victim girl alleging that A1 had sexual intercourse with the minor victim girl and due that she also become pregnant. Based on the complaint a crime was registered. DNA was conducted for A1 and it was found negative. Thereafter based on the statement of the victim



girl that she also had sexual intercourse with the petitioner herein he was subsequently implicated as an accused.

3. The learned counsel for the petitioner would submit that the original allegation is only against A1 in this case where in the mother of the victim girl has stated that A1 had sexual intercourse with the victim girl and she also become pregnant. Subsequently the respondent police recorded statement from the victim girl wherein he was added as an accused. Now the petitioner has also given blood samples for conducting DNA Test and he is ready and willing to co-operate with the investigation. He would also submit that A1 in this case was released on bail.

4. The learned Government Advocate(Crl.Side) would submit that original complaint was given against A1, subsequently the victim has given statement under section 164(5) before the learned Magistrate implicating the petitioner herein that he also sexually assaulted her several times. He would also submit that medical examination is over and the petitioner has also given blood samples for conducting DNA Test.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact main allegations are against A1 only and also the fact that medical examination is over and the petitioner has also given blood samples for conducting DNA Test and also taking into consideration the period of incarceration and also the fact that A1 in this case was released on bail, 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.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Special Court for exclusively trial of cases under the POCSO ACT, Virudhunagar 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 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.R. 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/-
25/09/2020

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WEB COPY

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

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 exclusively trial of cases under the POCSO ACT, Virudhunagar District at Srivilliputhur
2. The Superintendent, Central Jail, Madurai
3. The Inspector of Police,
All Women Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.10310 of 2020
Date : 25/09/2020

AP/SKN/SAR-2/(25/09/2020) 3P 5C