



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

Date : 01/10/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.10682 of 2020

Kalaivanan

... Petitioner/Accused No.4

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Karur, Karur District.
Crime No.13 of 2020.

... Respondent/Complainant

For Petitioner : M/S.S.T.Sasidharan Tamilkani,
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 Crime No. 13 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner /A4 herein was arrested and remanded to judicial custody on 14.08.2020 for the alleged offences under Sections 11 (2),12,14(1),15 of POCSO Act,2012 r/w.Sections 366(A), 294(b), 323 and 506(i) of IPC

2. There are totally nine accused in this case and the petitioner herein is arrayed as A4. The case of the prosecution is that both the victim and the A8 herein belong to the same village. A1 and A2 in this case took the minor victim girl to the remote place and asked her to remove the dress and also taken nude photos in the mobile phone. On seeing the same other accused persons went there and driven them away. Thereafter A1 and A2 said to have uploaded the obscene photos of the victim girl in the social media. Based on the complaint given by the mother of the victim the present case has been registered.



3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that only A1 and A2 said to have taken the photos of the victim and the petitioner herein is no way connected with the said crime. He would also submit that co-accused in this case was granted bail by this Court on 17.09.2020 in Crl.O.P (MD) No.9669 of 2020.

4. The learned Government Advocate (Crl.Side) would submit that A1 and A2 in this case took the minor victim girl to the remote place and asked her to remove the dress and also taken nude photos in the mobile phone. On seeing the same other accused persons went there and driven them away. Thereafter A1 and A2 said to have uploaded the obscene photos of the victim girl in the social media.

5. From the perusal of the records it is seen that only A1 and A2 in this case said to have taken the minor victim girl to the remote place and taken nude photos and on seeing the same the petitioner and other accused went to the scene of occurrence and driven them away. It is also stated that co-accused in this case was granted bail by this Court.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. 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 Additional Sessions Court, Fast Track Mahila Court, Karur District.

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 *Shriji 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/-
01/10/2020

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/ /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 ADDITIONAL SESSIONS JUDGE,
FAST TRACK MAHILA COURT, KARUR DISTRICT.
- 2.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KARUR, KARUR DISTRICT.
- 3.THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10682 of 2020
Date :01/10/2020

AAV
TK/VR/SAR.2/01.10.2020/3P/5C