



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/11/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.12140 of 2020

R.Muthukrishnan

... Petitioner/Sole Accused

Vs

State Rep. by
The Inspector of Police,
All Women Police Station,
Kadambur, Thoothukudi District.
(Crime No.07 of 2020).

... Respondent/Complainant

For Petitioner : M/s.M.Prabu,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No. 07 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 03.09.2020 for the offences punishable under Sections 363, 506 (i) of IPC and Section 11(2), 12 of POCSO Act, on the file of the respondent police seeks bail.

2.The case of the prosecution is that the victim girl aged about 13 years was taken by the accused to the remote place near Wind firm on the way of Kumarettiyapuram and threatened her to remove her dress. When the victim girl refused to remove her dress, two persons came in vehicle on the road and questioned about the same. As such, the accused left the victim girl and she has escaped from the hands of the accused. Hence, the complaint.

3.The learned counsel for the petitioner would submit that due to previous enmity between the petitioner and his brother, a false case was concocted against the petitioner. On 27.08.2020, when



the victim girl standing near the bus stand of Eppothum Vendran, the accused picked up the victim girl in his two wheeler and dropped her in her home. He further submitted that no occurrence was happened as alleged by the prosecution and the petitioner was arrested and remanded to judicial custody from 03.09.2020 and hence, he prayed for bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner is none other than the paternal uncle of the victim girl aged about 13 years. On the false information, she had been taken by the petitioner to the remote place near to Wind firm and he has shown obscene videos in his mobile phone to the victim girl. Thereafter, she was compelled to remove her dress. Fortunately, at that time, two persons came in vehicle on the road questioned about the same. As such, the accused left the victim girl and she has escaped from the hands of the accused.

5. The learned Government Advocate (Crl.Side) also produced the statement recorded under Section 164 Cr.P.C. It is seen that the petitioner is the sole accused. He is the paternal uncle of the victim girl aged about 13 years. She was taken by the accused/petitioner in the remote place and compelled her to remove her dress. Fortunately, at that time, two persons came in vehicle on the road questioned about the same. As such, the accused left the victim girl and she has escaped from the hands of the accused.

6.A perusal of the statement recorded under Section 164 Cr.P.C reveals that the petitioner had shown obscene videos to her and compelled to remove her dress. Thereafter, he himself taken the victim girl to her house. Further, the petitioner was arrested and remanded to judicial custody on 03.09.2020.

7. 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:

8.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 blood sureties each for a like sum to the satisfaction of the learned Special Court For Exclusive Trial of Cases Under POSCO Act, Thoothukudi 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 stay at Madurai and report before the Inspector of police, Anna Nagar Police Station, daily Morning at 05.30 a.m. and Evening at 05.30 p.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/-

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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 SPECIAL JUDGE,
FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
THOOTHUKUDI DISTRICT.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KADAMBUR, THOOTHUKUDI DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT JAIL, PERURNI,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION, MADURAI.

ORDER

IN

CRL OP(MD) No.12140 of 2020

Date : 23/11/2020

DSS

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