



WEB COPY

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

Date : 03/12/2020

PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD). No.13894 of 2020

Ayyanar @ Kapali

... Petitioner

Vs

State Rep. by
The Inspector of Police,
Muthiyapuram Police Station,
Tuticorin, Tuticorin District.
Crime No. 362 of 2020.

... Respondent

For Petitioner : M/s.S.Arumugam,
Advocate.

For Respondent : M/s.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.362 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 24.10.2020 for the offences punishable under Section 366A and 506(2) of IPC r/w Section 3A and 4 of POCSO Act.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police.

3.The bail petition is filed mainly on the ground that the petitioner and the minor victim girl were in love and on account that, the victim girl came with the petitioner and they jointly went to some place. Though the investigation is in progress, the 164 statement given by the victim girl did not reveal much facts against the accused person.



4. 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 by imposing conditions.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties each for a like sum to the satisfaction of the Special Court Exclusive Trial of Cases under POCSO Act at Thoothukudi.

[a] 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;

[b] the petitioner shall appear before the respondent police every day twice morning at 10.00 am., and evening at 06.00 pm., for a period of four weeks and thereafter, the petitioner is directed to appear before the respondent police daily at 10.00 a.m. for a period of two weeks and therefrom, as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
03/12/2020

/ 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



TO

1 THE SPECIAL JUDGE,
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
THOOTHUKUDI.

2 THE INSPECTOR OF POLICE
MUTHIYAPURAM POLICE STATION,
TUTICORIN, TUTICORIN DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, THOOTHUKUDI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.ARUMUGAM, Advocate (SR-7864[I] dated 03/12/2020)

ORDER

IN

CRL OP(MD) No.13894 of 2020

Date :03/12/2020

sjj

JM/PN/SAR IV/03.12.2020/3P/6C