



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/12/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16126 of 2020

Deivakani

... Petitioner/Accused

Vs

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

... Respondent

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

For Respondent : Mr.R.Erottchuamy,
Government Advocate (Criminal Side)

PETITION FOR BAIL Under Section 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 :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal Side) appearing for the respondent.

2.The petitioner was arrested and remanded to Judicial Custody on 17.12.2020 for the offences punishable under sections 366A and 506(ii) of I.P.C. r/w. Sections 3A and 4 of POCSO Act, in Crime No.362 of 2020 on the file of the respondent police. She seeks bail.

3.It is submitted that the main accused namely, Ayyanar @ Kapali was released on bail by this Court on 03.12.2020 in CrI.O.P.(MD)No.13894 of 2020, on the basis of the statement given by the victim girl, even though the investigation is in progress. The statement given by the victim girl under Section 164 Cr.P.C. did not reveal much facts against the accused persons. Since there is already an observation by this Court, on the very same ground, the petitioner is also entitled to be released on bail.



4. In view of the above, I am inclined to enlarge the petitioner on bail with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, out of which one shall be a blood related surety, each for a like sum to the satisfaction of the learned Special Court for Exclusive Trial of Cases under POCSO Act, 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 report before the respondent police 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/-
31/12/2020

/ 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 concerned.



TO

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

2. THE OFFICER IN CHARGE,
DISTRICT JAIL,
THOOTHUKUDI.

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

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

ORDER

IN

CRL OP(MD) No.16126 of 2020

Date :31/12/2020

IAS/RMK

SRS/PN/SAR-IV/31.12.2020/3P/5C