



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

Date : 21/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.415 of 2021

Aravindkumar @ Aravind

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Sivagangai, Sivagangai District.
Crime No.17/2020.

... Respondent/Complainant

For Petitioner : Mr.T.Kumar, Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :-

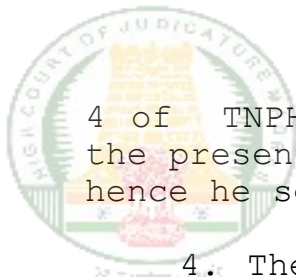
For Bail in Crime No. 17/2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 16.11.2020 for the offences punishable under Sections 448,506(i) of IPC and Section 7 r/w.8 of POCSO Act @ Sections 3 and 4 of POCSO Act on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 14.11.2020 at about 4.00 pm., when the defacto complainant was at her home the petitioner had trespassed into her house and attempted to molest her. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is a sole accused and he being the neighbor of the defacto complainant family burst crackers in front of their house, due to which there was enmity between them. Infact the defacto complainant family damaged the car of belonging to the petitioner herein and when the same was questioned by him a false case has been foisted against him and no such occurrence had taken place. On the complaint lodged by the petitioner First Information Report has been registered in Crime No. 622 of 2020 for the offences under Sections 17, 148, 448, 294(b), 323, 324, 506(ii), 379 of IPC and Section



4 of TNPHW Act as against the victim and her relatives, therefore the present complaint is the counter blast to the earlier complaint, hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that the victim is aged about 15 years and the petitioner herein trespassed into house of the victim and sexually assaulted the victim girl. Hence he opposed to grant bail to the petitioner.

5.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:

6.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 sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive trial of cases under the POCSO Act, Sivagangai, Sivagangai 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 daily at 10.30 a.m for a period of two weeks and thereafter 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 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/-

21/01/2021

/ TRUE COPY /

/ /2021

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.

WEB COPY

TO

1. THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER THE POCSO ACT, SIVAGANGAI,
SIVAGANGAI DISTRICT.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SIVAGANGAI, SIVAGANGAI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.415 of 2021
Date : 21/01/2021

AAV
TK/VR/SAR.3/21.01.2021/3P/5C