



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

Date : 26/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.3075 of 2021

Balamurugan

... Petitioner/Accused

Vs

State rep.by
The Inspector of Police,
Appanaickkanpatti Post,
Virudhunagar District.
Crime No.144/2020.

... Respondent/Complainant

For Petitioner : Mr.P.Muthusamy,
Advocate.

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

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

PRAYER :- To grant bail to the Petitioner in Spl. S.C No. 61/2020 in Crime No.144/2020 on the file of the Special Court for Exclusively Trial Cases under POCSO Act 2021, Srivilliputhur.

ORDER : The Court made the following order :-

The petitioner/ accused, who was arrested and remanded to judicial custody on 02.08.2020 for the offences punishable under Section 11(1)r/w.12 of POCSO Act on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner herein raised his lungi and showed his private part to the victim girl and called her towards sexual intercourse. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and due to some civil dispute between the petitioner and the defacto complainant family a false case has been foisted against the petitioner. He would also submit that the petitioner is in jail for more than five months, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that investigation in this case is completed and the final report has



been filed before the Special Court for POCSO Act Cases, Virudhunagar District at Srivilliputhur and the same has been taken cognizance in Spl.S.C.No.61 of 2020.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that investigation in this case is completed and the final report has been filed before the concerned Court and the case is pending trial, 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 Special Court for exclusive trial of cases under the POCSO Act, Virudhunagar District at Srivilliputhur

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 trial Court on all hearing dates without fail.

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/-
26/02/2021

/ 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, the responsibility of the advocate/litigant concerned.

<https://hcservices.e-cmhc.gov.in/hcservices>



TO

1. THE SPECIAL JUDGE
FOR EXCLUSIVE TRIAL OF CASES UNDER THE POCSO ACT,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

2. THE INSPECTOR OF POLICE,
APPANAICKKANPATTI POST,
VIRUDHUNAGAR DISTRICT.

3. THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.

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

+1CC TO Mr.P.Muthusamy, Advocate, SR NO.1562

ORDER

IN

CRL OP(MD) No.3075 of 2021

Date :26/02/2021

AAV

MS/VR/SAR-4/26.02.2021/3P.5C