



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3446 of 2021

Murugan @ Batcha Murugan

... Petitioner/Sole Accused

Vs

State rep.by,
The Inspector of Police,
Alangulam Police Station,
Virudhunagar District ,
Crime.No.15 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Saravanakumar.P.,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.15 of 2021 on the file of the Respondent Police.

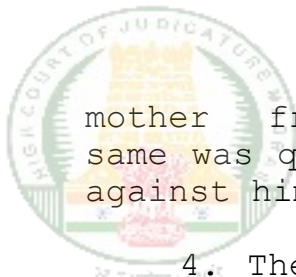
ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 23.01.2021 for the offences punishable under Sections 11(i)(iv) r/w. 12 of POCSO Act,2012 and Section 506(i) of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner herein on several occasions misbehaved with the minor victim aged about 14 years and also threatened her. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner never committed any offence as alleged by the prosecution and infact he is working as a over head tank operator in the Panchayat Board office. He would also submit that on the date of

<https://hcservices.mca.gov.in/hcservices/>



mother frequently opened and closed the public tap and when the same was questioned by the petitioner a false case has been foisted against him.

4. The learned Government Advocate(Crl.Side) would submit that the age of the petitioner is about 45 years and the age of the victim is 14 years. The parents of the victim got separated and the victim is now with the grand parents. Knowing the same, the petitioner herein tried to mis behave with the minor victim girl. He has also produced the 164(5) Cr.P.C statement of the victim and her grand mother.

5. From the perusal of the statement of the victim and her grand mother recorded under Section 164(5) of Cr.P.c it is seen that initially the petitioner teased the victim girl and thereafter he was warned by the village people. Again the petitioner continued to tease the minor victim girl.

6. 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:

7. 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 of exclusive trial of cases under the POCSO Act , 2012, 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 be in the Alangulam Panchayat only during his working hours (only for one to two hours) and during rest of the time he should be in Virudhunagar town limit and should not leave out of Virudhunagar. If the petitioner violates the condition the respondent shall proceed in accordance with law and secure the petitioner.

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

[https://hccourts.courts.gov.in/Kse/Sec/164\(5\)Cr.P.C](https://hccourts.courts.gov.in/Kse/Sec/164(5)Cr.P.C) 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/-
04/03/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

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 COURT OF EXCLUSIVE
TRIAL OF CASES UNDER THE POCSO ACT, 2012,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 2 THE INSPECTOR OF POLICE
ALANGULAM POLICE STATION, VIRUDHUNAGAR DISTRICT
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3446 of 2021
Date :04/03/2021

NR/PN/SAR-III(04.03.2021) 2P:5C