



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

Date : 30/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.4372 of 2021

Muniyasamy

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Poovanthi Police Station,
Sivagangai District.
Crime No.39/2021

... Respondent/Complainant

For Petitioner : Mr.V.Malaiyendran,
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. 39 of 2021 on the file of the respondent Police.

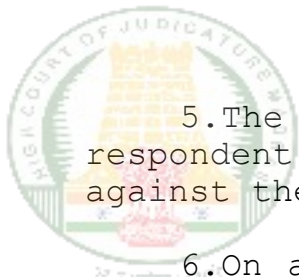
ORDER : The Court made the following order :-

The petitioner/Sole accused, who was arrested and remanded to judicial custody on 04.03.2021 for the offences punishable under Sections 7 and 8 of POCSO Act, in Crime No.39 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is the mother of the victim girl. On the date of occurrence, when the victim girl was grazing the cattle, the petitioner misbehaved with her. Hence, the present complaint.

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

4.The learned counsel appearing for the petitioner submitted that both the petitioner and the victim girl belonged to same locality. He further submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he



5.The learned Government Advocate(Crl.Side) appearing for the respondent Police submitted that there is no previous case pending against the petitioner.

6.On a perusal of the materials available on records including 164 Cr.P.C., statement of the victim girl, it is seen that the petitioner is a neighbour of the victim girl and on 04.03.2021 when the victim girl was grazing the cattle, at that time, the petitioner called her to play hide and seek game and both of them played game, at that time, the petitioner closed the victim's eye and touched the private part of the victim girl, due to which, she shouted and the petitioner ran away from the place of occurrence and the victim girl informed the same to her parents. It is also seen that the petitioner and the victim girl belonged to same locality and the petitioner is well known to the victim girl. It is also seen that there was some dispute between the petitioner's family members and the victim girl's family members.

7.Taking note of the above facts and circumstances of the case also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8.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 Exclusively Trial of Cases under POCSO Act, Sivagangai.

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/petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
30/03/2021

/ TRUE COPY /

WEB 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.

TO

- 1 THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVELY TRIAL
OF CASES UNDER POCSO ACT, SIVAGANGAI.
- 2 THE INSPECTOR OF POLICE,
POOVANTHI POLICE STATION,
SIVAGANGAI DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, SIVAGANGAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.V.MALAIYENDRAN, Advocate (SR-2700[I] dated 30/03/2021)

ORDER
IN
CRL OP(MD) No.4372 of 2021
Date :30/03/2021

VSG
MS/VR/SAR-2/30.03.2021/3P.6C