



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

Date : 30/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.4867 of 2021

S.Maharajkumar

... Petitioner/Accused(sole)

Vs

The State rep.by
The Inspector of Police,
Anna Nagar Police Station,
Madurai.
Crime No.301/2021.

... Respondent/Complainant

For Petitioner : Mr.R.Sevugaraja, 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.301 of 2021 on the file of the respondent Police.

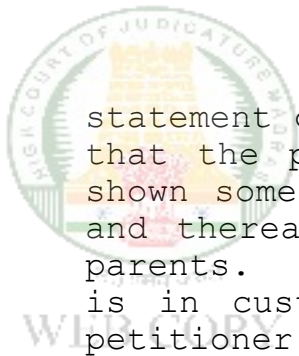
ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 08.03.2021 for the offences punishable under Sections 9(m), 10, 11(iii) and 12 of POCSO Act, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 08.03.2021, the petitioner attempted to misbehave with the victim boy, namely, Ruthereswaran, who is aged about 11 years by showing some obscene pictures in the cell phone. Hence, the complaint.

3.The learned counsel for the petitioner would submit that there was a dispute between the petitioner and the victim's father and the petitioner is innocent and that a false case has been foisted against him.

4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioner is the neighbor of the victim boy and the petitioner attempted to misbehave with the victim boy by showing some obscene pictures in the cell phone. From the



statement of the victim boy under Section 164 of Cr.P.C., it is seen that the petitioner had taken the victim to his fruit garden and shown some obscene pictures and the same was refused by the victim and thereafter, ran away and informed his friends as well as his parents. The mobile phone of the petitioner has been seized, which is in custody of the police. He would further submit that the petitioner has himself locked the mobile phone. Hence, he strongly opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner had made only an attempt and the victim boy was not shown any obscene films, hence, 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 Principal Sessions Judge, (Special Court for Exclusive trial of POCSO Act), Madurai.

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 until further orders and also co-operate with the investigation. At the time of investigation, the petitioner shall co-operate with the respondent police and also unlock the mobile phone.

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/-
30/03/2021

/ 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.

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TO

- 1.THE PRINCIPAL SESSIONS JUDGE,
(SPECIAL COURT FOR EXCLUSIVE TRIAL OF POCSO ACT),
MADURAI.
- 2.THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION,
MADURAI.
- 3.THE OFFICER INCHARGE
DISTRICT PRISON, THIRUMANGALAM.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4867 of 2021
Date :30/03/2021

SJI
TK/PN/SAR.2/30.03.2021/3P/5C