



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

Date : 18.06.2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.7585 of 2021

Mahadevan

... Petitioner/Sole Accused

Vs

State rep.by,
The Inspector of Police,
Sattur Town Police Station,
Sattur,
Virudhunagar District.
Crime No.116 of 2021.

... Respondent/Complainant

For Petitioner : Mr.P.Saravanakumar,
Advocate.

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

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

PRAYER :-

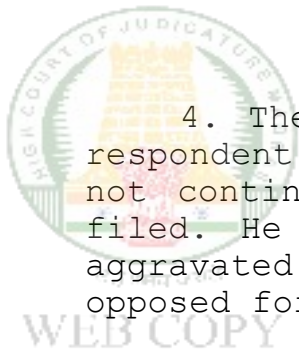
For Bail in Crime No.116 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner is in custody from 15.03.2021 for the offences under Section 366 of IPC and Sections 5(1) r/w.6 of POCSO Act, 2012 in Crime No.116 of 2021 on the file of the respondent police. He seeks bail.

2. The case of the prosecution is that on 13.03.2021, the petitioner/accused kidnapped the victim girl and committed aggravated penetrative sexual assault on the victim girl. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in custody from 15.03.2021 and he is entitled for statutory bail. Hence, he seeks for grant of bail to the petitioner.



4. The learned Government Advocate appearing on behalf of the respondent police submits that due to pandemic situation, they did not continue the investigation and the final report has not been filed. He would further submit that the petitioner has committed aggravated penetrative sexual assault on the victim girl. Hence, he opposed for grant of bail to the petitioner.

5. Considering the period of incarceration of the petitioner and also the fact that the petitioner is entitled for statutory bail and without going into the merits of the case, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on the following conditions:

i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusively Trial of Cases under POCSO Act, 2012, Virudhunagar District, Srivilliputtur.

ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

iii) The petitioner shall appear before the respondent police once in a week i.e on every Monday at 10.30 a.m until further orders.

iv) The petitioner shall not tamper with evidence or witness.

v) the petitioner shall not abscond either during investigation or trial.

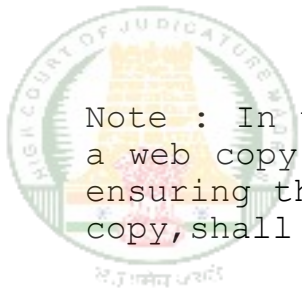
vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[vii] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
18/06/2021

/ 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 EXCLUSIVELY TRIAL OF CASES
UNDER POCSO ACT, 2012,
VIRUDHUNAGAR DISTRICT,
SRIVILLIPUTHUR.
 2. THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
 3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI
 4. THE INSPECTOR OF POLICE,
SATTUR TOWN POLICE STATION, SATTUR,
VIRUDHUNAGAR DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7585 of 2021
Date : 18/06/2021

ssb
PK/AKM/SAR-I/18.06.2021 : 3P/6C