



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01/09/2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12548 of 2021

Muthu

.... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Peravurani Police Station,
Thanjavur.
Crime No.1119 of 2020.

... Respondent/Complainant

For Petitioner : MR.VR.SHANMUGANATHAN,
Advocate.

For Respondent : MR.T.SENTHILKUMAR,
Government Advocate (Crl.Side)

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

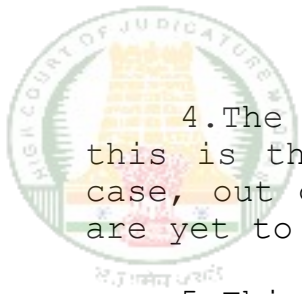
PRAYER :-For Bail in Crime No.1119 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 11.09.2020 for the offence punishable under Section 3(a) r/w Section 4 of POCSO Act, 2012, in Crime No.1119 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is a married man having two children induced the minor girl and had physical relationship with her. Hence, the case.

3.The learned counsel for the petitioner would submit that after completing the investigation, a charge sheet has been laid and the trial has also been proceeded. However, it cannot be completed, in view of the Covid-19 situation. Considering the nature of offence, this Court had dismissed the earlier application filed by this petitioner in Crl.O.P(MD).No.390 of 2021 on 27.01.2021 with a direction to complete the trial within a period of four months from the date of receipt of a copy of the order. Despite the earlier order dated 27.01.2021, the trial has not proceeded further and as on date, the petitioner is in jail for the past one year and hence, the petitioner is entitled to grant of bail.



4.The learned Government Advocate(Crl.Side) would submit that this is the second bail application. Totally 25 witnesses in this case, out of which, 22 witnesses were examined and 3 more witnesses are yet to be examined.

5.This Court has considered the rival submissions and perused the materials available on record.

6. It is seen that this Court by earlier order dated 27.01.2021 dismissed the bail application filed by the petitioner with a direction to the trial Court to complete the trial within a stipulated period, but the trial could not be completed as directed by this Court, in view of the present Covid-19 situation. It is also seen that the trial Judge has made a request to this Court to grant further time to complete the trial. Accordingly, this Court by order dated 26.07.2021, granted further period of three months to complete the trial. The petitioner is languishing in jail from 11.09.2020. It appears that most of the witnesses were examined and only three witnesses are yet to be examined.

7.Considering the facts and circumstances of the case, the nature of allegation levelled as against this petitioner, the stage of the trial and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

8.Accordingly, this Criminal Original Petition is allowed and 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 Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur and on further conditions that:

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before the trial Court daily at 10.30 a.m until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[e]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



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

sd/-

01/09/2021

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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 SPECIAL COURT FOR EXCLUSIVE
TRIAL OF CASES UNDER POCSO ACT,
THANJAVUR.
- 2 THE INSPECTOR OF POLICE,
PERAVURANI POLICE STATION,
THANJAVUR.
- 3 THE OFFICER INCHARGE,
SUB JAIL, THANJAVUR.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1cc to MR.VR.SHANMUGANATHAN, Advocate. SR NO:5845.

ORDER

IN

CRL OP(MD). No.12548 of 2021

Date :01/09/2021

MSA

MK/PN/SAR.IV/01.09.2021/3P/6C