



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 16.09.2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.10305 of 2021

RAJKUMAR ... PETITIONER/ACCUSED

VS

STATE REP. BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KEERANUR.
(CRIME.NO.3 OF 2020). ... RESPONDENT/COMPLAINANT

FOR PETITIONER : MR.S.P.NAVEEN KUMAR,
ADVOCATE.
FOR RESPONDENT : MR.T.SENTHILKUMAR,
ADDITIONAL PUBLIC PROSECUTOR

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

PRAYER :-

For Bail in Crime No.3 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 07.03.2020 for the alleged offence under Sections 328 & 506(i) of IPC and 5(1)(i)(ii) r/w. 6 of POCSO Act, in Crime No.3 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner administered sleeping pills to the victim girl, who is aged about 17 years and committed aggravated penetrative sexual assault on her several times and had also criminally intimidated her. When the girl was 7 months pregnant, the fact came to light and the defacto complainant, who is the mother of victim girl, lodged the present complaint.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence and only due to previous motive, the defacto complainant lodged a complaint before the respondent police.



4.The learned Additional Public Prosecutor appearing for the respondent police submitted that final report was filed before the trial Court and the same was taken on file as Spl. S.C.NO.12 of 2020. During the trial the accused was detained under Act 14. Now all the main witnesses have been examined before the trial Court.

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

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court, Pudukottai and on further condition that:

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

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

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

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

[f] On breach of any of the aforesaid conditions, the learned Judge/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 Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

sd/-
16/09/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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



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,
MAHILA COURT, PUDUKOTTAI.
2. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KEERANUR.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10305 of 2021
Date :16/09/2021

GC/JCB/SAR-IV(16.09.2021) 3P 5C