



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/08/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11324 of 2021

Vignesh

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Pudukottai.
(Crime No.7 of 2021)

... Respondent/Complainant

For Petitioner : Mr.R.Arul jenifer,
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.7 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 24.04.2021 for the offences under Section 9(1) r/w 10 of POCSO Act and Section 506 (ii) I.P.C, in Crime.No.07 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is the neighbour of the defacto complainant and the victim is aged about 13 years studying VIII standard. The petitioner attempted to misbehave with the victim often and on the date of occurrence, the petitioner trespassed into the victim's house and kissed her which was witnessed by the defacto complainant, the mother of the victim, and this case has been registered.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the



4. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the investigation has been completed and the final report has been filed before the Sessions Court concerned.

5. Considering the facts and circumstances of the case, the fact that after completing investigation, final report has been laid and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. 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 Sessions Judge Mahila Court, Pudukkottai 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 appear before the respondent police as and when required for interrogation.

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

[d] the petitioner shall not abscond 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 Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

sd/-
12/08/2021

/ 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



TO

1 THE SESSIONS JUDGE,
MAHILA COURT, PUDUKKOTTAI

2 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, PUDUKOTTAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.11324 of 2021

Date :12/08/2021

MSA

MK/PN/SAR.II/12.08.2021/3P/5C