



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.10726 of 2021

Pitchiah Alias kuttidurai

... Petitioner/Accused

Vs

The State Represented by
The Inspector of Police,
Kadayam Police Station,
Tirunelveli District.
(crime No.196/2021)

... Respondent/Complainant

For Petitioner : Mr.S.Vikram,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

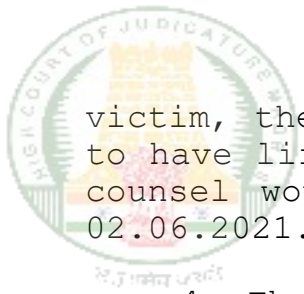
For Bail in Crime No. 196/2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 02.06.2021, for the offence punishable under Sections 12 r/w 11(i) of Protection of Children from Sexual Offences Act, 2012, in Crime No.196 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner has sexually harassed and abused a ten years old girl child.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case, out of civil dispute pending before the neighbours. The gist of the complaint is that when a goat damaged the crops of the



victim, the victim shooed the goats, for which, the petitioner said to have lifted the cloth and shown his private parts. The learned counsel would further submit that the petitioner is in jail from 02.06.2021.

4. The learned Government Advocate(Crl.Side) would submit that the investigation is going on.

5. Taking into consideration of the facts and circumstances of the case, that there exists a civil dispute and the nature of allegations levelled against the petitioner that as a retaliation, he shown his private parts and 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.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for POCSO Act cases, Tirunelveli, 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 Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily twice, i.e. at 10.30 a.m. and 5.30 p.m., until further orders.

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

[d] the petitioner shall not tamper with 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 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 229A IPC.

sd/-

05/08/2021

/ 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 concerned.



TO

1. THE SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.

3. THE SUPERINTENDENT,
PALAYAMKOTTAI CENTRAL PRISON,
TIRUNELVELI DISTRICT.

4. THE INSPECTOR OF POLICE
KADAYAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.10726 of 2021

Date : 05/08/2021

SS/VR/SAR-I/05.08.2021 : 3P/6C