



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/08/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.10835 of 2021

Ayyanar

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
M.Kallupatti Police Station,
Madurai District.
(Crime No.64 of 2021)

... Respondent/Complainant

For Petitioner : Mr.S.Mahendrapathy,
Advocate.

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

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

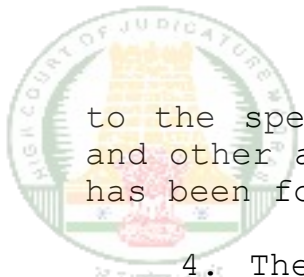
PRAYER :- For Bail in Crime No.64 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 16.06.2021 for the offences punishable under Sections 11(ii) and 12 of POCSO Act r/w. 147, 323, 324 and 506(ii) of IPC, in Crime No.64 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner/A1 along with other accused eve-teased the victim girl, aged about 15 years and thereafter, on 15.06.2021 at about 12.00 a.m., when the victim girl went to take drinking water, the petitioner/A1 came there and told her that he is having love affair with her and compelled her to love him. When the same was questioned by the parents and uncle of the victim girl, there was a quarrel between the victim family and the accused persons, in which, the accused persons intimidated the victim girl family. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution. On the other hand, there were litigations with regard



to the special rights given by a Temple between the victim family and other accused and in order to wreak vengeance, a false complaint has been foisted against the petitioner.

4. The learned Government Advocate(Crl.Side) submits that in this case, there are totally 14 accused and except this petitioner, A3 and A5 to A14 were granted anticipatory bail in Crl.O.P.(MD) No.9184 of 2021 and A11 was also granted anticipatory bail in Crl.O.P.(MD)No.10221 of 2021

5. Considering the facts and circumstances of the case, the period of incarceration, the litigation pending between the parties with regard to the special rights and also the fact that the co-accused were already granted anticipatory bail, 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 Special District Mahila Court (POCSO Act cases), Madurai 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 once in a week on every Monday at 10.30 am., 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/-
09/08/2021

/ 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 SPECIAL DISTRICT MAHILA JUDGE,
(POCSO ACT CASES), MADURAI
2. THE INSPECTOR OF POLICE,
M.KALLUPATTI POLICE STATION,
MADURAI DISTRICT.
3. THE SUPERINTENDENT,CENTRAL PRISON,
MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.10835 of 2021

Date :09/08/2021

OGY

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