



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

Date : 15/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12701 of 2021

S.Palpandi

.... Petitioner/Accused No.11

Vs

State Rep.by
The Inspector of Police,
All Women Police Station
Tallakulam, Madurai City.
(Crime No.69 of 2020).

... Respondent/Complainant

For Petitioner : Mr.C.Kalai Arasu, Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)
: Mr.Niranjana S.Kumar, Amicus Curiae

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

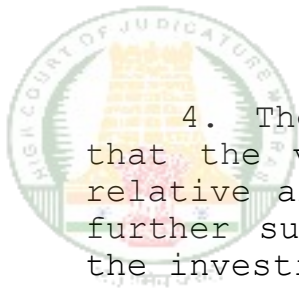
PRAYER :- For Bail in Crime No.69 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/All, who was arrested on 16.07.2021 for the offence under Sections 3 r/w 4 r/w 17, 5(1) and 6 of Protection of Children from Sexual Offences Act, 2012 and Sections 370 (IV), 370 (A)(i) I.P.C r/w 4(2)(c) of ITP Act, in Crime.No.69 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the minor victim girl aged about 14 years, whose mother deserted her, is under the custody of her relative. One of the accused has induced the victim girl to involve in prostitution and the minor victim girl has been exploited by several persons. The petitioner was the room boy in one of the lodges, who helped the other accused as a broker and he also misused the victim girl. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the allegations made as against this petitioner are false and he has not involved in the offence. He would further submit that the petitioner is inside the prison from 16.07.2021 and hence, he prays for grant



4. The learned Government Advocate (Crl. Side) would submit that the victim girl is a minor and she was misused by her own relative and some of the accused have also exploited her. He would further submit that the co-accused have been enlarged on bail and the investigation in this case is almost completed.

5. On the earlier occasion Mr. Niranjan S. Kumar, learned counsel has made a representation that the investigation in this case was not conducted in a proper manner and he is having certain materials that the several influential persons including the police officials have misused the victim girl and also submitted that he is intending to file a Public Interest Litigation in this regard. In view of his representation, this Court has appointed Mr. Niranjan S. Kumar as Amicus Curiae to assist the Court.

6. Based on his submission, this Court has also called for the C.D. files, perused the same and satisfied that the investigation in this case has been conducted in a proper manner. The Investigating Agency has not even spared a former Government Advocate, who defended them previously and therefore, this Court is not finding fault with the Investigating Agency. Though Mr. Niranjan S. Kumar, on the previous occasion submitted that he is having certain materials and intending to file a Public Interest Litigation, he has not placed any material before this Court.

7. This petitioner is accused no. 11, who was the room boy in a lodge, is said to have facilitated the other accused for the commission of offence. He was arrested on 15.07.2021 and he is in jail for the past 60 days. Though the case was registered on 23.12.2020, the Investigating Agency has not concluded the investigation and not filed the final report.

8. Considering the facts and circumstances of the case, the fact that the substantial portion of investigation is completed, the co-accused in this case have been enlarged on bail and also the period of incarceration, this Court is inclined to grant bail to the petitioner, however, with stringent conditions.

9. 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 Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai and on further condition 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 at 10.30 a.m and 05.30 p.m until further orders.



[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.

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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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/-

15/09/2021

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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 PRINCIPAL SPECIAL JUDGE
FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
MADURAI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION
TALLAKULAM, MADURAI CITY.
3. THE SUPERINTENDENT, CENTRAL JAIL, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.12701 of 2021

Date :15/09/2021

MSA

MS/VR/SAR-3/15.09.2021/3P.5C