



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

Date : 30/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13586 of 2021

Palanisamy ...Petitioner/ Sole Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station
Keeranur, Pudukkottai District.
Crime No.7 of 2021

... Respondent/Complainant

For Petitioner : Mr.P.Balasubramanian
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.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 01.07.2021 for the offence under Section 7 r/w 8 of POCSO Act, 2012, in Crime.No.7 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is a painter by profession. The defacto complainant engaged the petitioner for painting work in his house, at that time, the petitioner went to the house of the defacto complainant and hugged the victim girl. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner never committed any offence as alleged by the prosecution. Due to caste discrimination, false complaint has been lodged by the defacto complainant. He further submits that the petitioner is in judicial custody from 01.07.2021 and hence, he seeks for grant of bail.

4.The learned Additional Public Prosecutor would submit that the investigation was completed.



5.Considering the facts and circumstances of the case, completion of the investigation and also the period of incarceration, this Court is inclined to grant bail to the petitioner, however, with stringent conditions.

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.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, Pudukkottai, and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall appear before the respondent police daily twice ie. 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.

[e] 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]**.

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

sd/-

30/09/2021

/ 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,
MAHILA COURT, PUDUKKOTTAI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION
KEERANUR, PUDUKKOTTAI DISTRICT.
3. THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.13586 of 2021

Date :30/09/2021

MSA

MS/VR/SAR-2/30.09.2021/3P.5C