



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

Date : 09/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.13216 of 2021

VINCENT @ SOLOMON RAJA ... PETITIONER/SOLE ACCUSED

VS

THE STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
SIVAKASI POLICE STATION,
VIRUTHUNAGAR DISTRICT.
(CRIME NO. 1182 OF 2020).

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S. SELVAKUMAR.S.,
ADVOCATE.

FOR RESPONDENT : MR.T.SENTHILKUMAR,
GOVERNMENT ADVOCATE (CRL.SIDE)

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

PRAYER :-

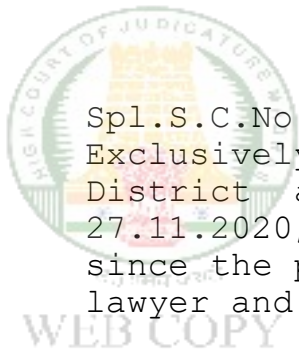
For Bail in Crime No. 1182 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 27.11.2020, for the offence punishable under Sections 363, 376 DA of Indian Penal Code & Section 5(1) r/w. 6 of Protection of Child from Sexual Offences Act 2012, in Cr.No.1182 of 2020, seeks bail.

2. The case of the prosecution is that the petitioner had sexual intercourse with the victim girl several times on the pretext of marriage.

3. The learned counsel for the petitioner submits that the petitioner is an innocent and he never tortured the victim girl sexually. He further submits that the investigation was over; charge sheet was also filed and the same was taken on file as



Spl.S.C.No.5 of 2021 on the file of the Special Court for the Exclusively Trial of Cases under POCSO Act, 2012, Viruthunagar District at Srivilliputhur. The petitioner is in jail from 27.11.2020, i.e. for the past 300 days. He further submits that since the petitioner is in jail, he is not in a position to engage a lawyer and to defend his case effectively before the trial Court.

4. The learned Government Advocate (Crl. Side) affirmed the submissions of the learned counsel for the petitioner insofar as the filing of charge sheet is concerned and submits that trial has also commenced in this case.

5. The main grievance of the petitioner is that since he is in jail, he is not in a position to engage a lawyer and to defend his case effectively before the trial Court.

6. Considering the facts and circumstances of the case, the period of incarceration and also the fact that the charge sheet was filed and the same was taken on file as Spl.S.C.No.5 of 2021 and trial has also commenced, this Court is inclined to grant bail to the petitioner, enabling him to engage a lawyer and to defend his case before the trial Court.

7. Accordingly, this Criminal Original Petition is ordered. The petitioner is directed 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 Court for the Exclusively Trial of cases under POCSO Act 2012, Viruthunagar District at Srivilliputhur 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 appear before the trial Court daily at 10.30 a.m. until further orders.

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

[d] the petitioner shall not tamper with evidence or witness either during 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 229A IPC.

sd/-
09/09/2021

/ TRUE COPY /

WEB COPY

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY

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 COURT FOR THE EXCLUSIVELY TRIAL
OF CASES UNDER POCSO ACT 2012,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
SIVAKASI POLICE STATION,
VIRUTHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.13216 of 2021
Date :09/09/2021

GC/SKN/SAR-IV(09.09.2021) 3P 6C