



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/09/2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13569 of 2021

Surya

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police
Kadayanallur Police Station
Tirunelveli District
Crime No.321 of 2021

...Respondent/Complainant

For Petitioner : M/s.K.ABIYA,
Advocate.

For Respondent : Mr.A.THIRUVADIKUMAR
Additional Public Prosecutor(crl.side)

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

PRAYER :-

For Bail in Crime No.321 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/ sole accused, who was arrested on 19.08.2021 for the offence under Sections 5(n) and 6 of Protection of Children from Sexual Offences Act, 2012, in Crime.No.321 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner, who is the cousin of the minor victim girl, forcibly had physical relationship with her. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. She further submitted that the petitioner is in judicial custody from 19.08.2021 and hence, she seeks for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent police has furnished the statement recorded from the victim under Section 164 Cr.P.C, in which, she has not stated anything about the petitioner. He would further submit that the investigation is almost completed.



5.Considering the facts and circumstances of the case, the statement recorded from the victim girl under Section 164 Cr.P.C., the stage of the investigation and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

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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, Special Court for POCSO Act Case, Tirunelveli 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 5.30 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/-

23/09/2021

/ 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 SESSION JUDGE,
SPECIAL COURT FOR POCSO ACT CASE,
TIRUNELVELI.



2.THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.

3.THE INSPECTOR OF POLICE
KADAYANALLUR POLICE STATION
TIRUNELVELI DISTRICT

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

+1. CC to M/S.K.ABIYA, Advocate SR.No.6527

ORDER

IN

CRL OP(MD) No.13569 of 2021

Date :23/09/2021

SA/VR/SAR.1/23.09.2021/3P/6C