



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

Date : 20/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13829 of 2021

Sivakumar ... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station
Srivilliputhur,
Virudhunagar District.
Crime No.14 of 2020

... Respondent/Complainant

For Petitioner : Mr.S.Sundarapandian,
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.14 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 25.11.2020 for the offence under Sections 363 and 506(i) I.P.C and Section 11 (iv) r/w Sections 12, 15 (1) r/w Section 6 of POCSO Act, in Crime.No. 14 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner, who is a married man and having two daughters, had physical relationship with the minor victim girl, aged about 17 years on several times. 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. He further submits that the petitioner is inside the prison from 25.11.2020 and hence, he prays for grant of bail.



4.The learned Additional Public Prosecutor appearing for the respondent submits that the investigation is completed and final report is also filed before the learned Magistrate concerned.

5.Considering the facts and circumstances of the case, the nature of allegation levelled as against the petitioner, the completion of investigation and filing of final report and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

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 Exclusive Trial of Cases under the POCSO Act Case, Srivilliputhur, Virudhunagar District 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 at 10.30 am. 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/-

20/09/2021

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/ /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.

WEB COPY

TO

- 1 THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER THE POCSO ACT CASE,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.
- 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION
SRIVILLIPUTHUR,
VIRUDHUNAGAR 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.13829 of 2021
Date :20/09/2021

MSA
MS/VR/SAR-2/20.09.2021/3P.5C