



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.16076 of 2021

P.Appan Raj

... Petitioner/Accused

Vs

The State rep.by
The Inspector of Police
All Women Police Station
Kanyakumari District
Crime No.17 of 2020.

... Respondent/Complainant

For Petitioner : Mr.S.RAGHUMAN
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

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

PRAYER :-

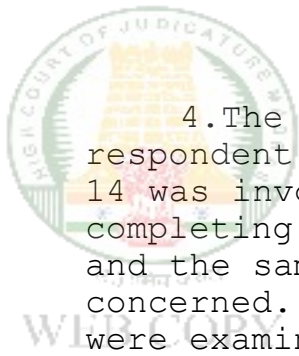
For Bail in Cr.No.17 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested on 19.06.2020, for the offence punishable under Sections 342 and 506(ii) I.P.C and Sections 5(1), 6, 11(v) and 12 of Protection of Children from Sexual Offences (POCSO) Act, 2012, in Crime No.17 of 2020 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner who is residing adjacent to the victim girl's house, sexually assaulted her and the said incident was also photographed by the petitioner and thereafter, he threatened the victim girl that if she informs about the incident to anybody, he would post it in social media. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that due to previous enmity between the petitioner and the defacto complainant's mother, a false case has been foisted as against the petitioner. He would further submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. The petitioner is in judicial custody from 19.06.2020 and hence, he seeks for grant of bail.



4.The learned Additional Public Prosecutor appearing for the respondent police would submit that as against the petitioner, Act 14 was invoked and later, it has been set aside by this Court. After completing the investigation in this case, a charge sheet was laid and the same was taken on file in Spl.S.C.No.60 of 2020 by the Court concerned. Now, the trial was commenced and so far, 10 witnesses were examined.

5.Considering the facts and circumstances of the case, the stage of the case and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the Criminal Original Petition is ordered. The petitioner is directed 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 POCSO Act, Kanyakumari at Nagercoil 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 trial Court daily at 10.30 a.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 Magistrate/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 is 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/-
22/10/2021

/ 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
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, KANYAKUMARI AT NAGERCOIL.

2 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION
KANYAKUMARI DISTRICT

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

+1. CC to Mr.B.K.GIRISH NEELAKANTAN, Advocate SR.No.7335

ORDER

IN

CRL OP(MD) No.16076 of 2021

Date :22/10/2021

SA/SKN/SAR.3/22.10.2021/3P/6C