



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

Date : 02/11/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD) . No.17173 of 2021

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Asore

... Petitioner/Sole Accused

Vs

The State Rep. By
The Inspector of Police,
All Women Police Station,
Nagercoil,
Kanniyakumari District.
(Cr.No.16 of 2021).

... Respondent/Complainant

For Petitioner : Mr.N.Pragalathan
Advocate.

For Respondent : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.16 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 29.08.2021, for the offence punishable under Section 448 of IPC and Section 5(1) r/w 6 of POCSO Act, in Crime No.16 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner kidnapped her minor daughter and committed penetrative sexual assault. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that the statement of the victim girl has been recorded under Section 164 Cr.P.C. and that the victim girl has also not supported the case of the prosecution. He would further submit that the petitioner has been suffering incarceration from 29.08.2021 and prays for grant of bail

<https://hdservices.courts.gov.in/cservices>

4.The learned Additional Public Prosecutor appearing for the



respondent police has produced the statement recorded from the victim girl under Section 164 Cr.P.C, in which, she has stated that the petitioner and the victim girl loved each other for the past four years. He would further submit that the substantial portion of investigation is completed.

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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.

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 Special Court for Exclusive Trial of Cases under POCSO Act, Kanniyakumari District 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 Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioner shall not abscond during the trial;

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

sd/-
02/11/2021

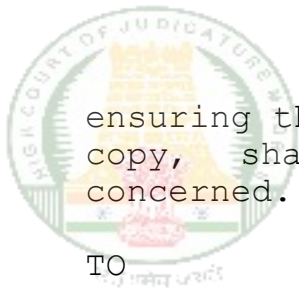
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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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<https://hcservices.ecourts.gov.in/hcservices/>

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 EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 2.THE SUPERINTENDENT,
DISTRICT JAIL,
NAGERCOIL, KANYAKUMARI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, NAGERCOIL,
KANNIYAKUMARI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.17173 of 2021
Date :02/11/2021

SB/SKN/SAR-IV/02.11.2021/3P/5C