



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/11/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.17725 of 2021

Mohamed Bilal

... Petitioner/Accused No.1

Vs

State rep. by
The Inspector of Police,
All Women Police Station,
Ramanathapuram,
Ramanathapuram District.
(Crime No.17 of 2021)

... Respondent/Complainant

For Petitioner : Mr.K.Sivarajan,
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate

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

PRAYER :-For Bail in Crime No.17 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused No.1, who was arrested on 13.09.2021 for the alleged offences punishable under Section 363 of IPC and Sections 5(g), 5(m), 6, 21(1) of Protection of Children from Sexual Offences Act, 2012, in Crime No.17 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant is the father of the victim, who is aged about 11 years. It is the averment in the FIR that his son/victim is pursuing his 6th standard in Government School, Pannaikulam and in view of the lock down, he had not gone to School. The accused have committed unnatural sexual assault on the victim boy. Hence, the complaint.



3. The learned counsel appearing for the petitioner submitted that the petitioner has not involved in any offence as alleged. Further, the petitioner is languishing in jail for the past two months.

4. The learned Government Advocate (Crl.side) appearing for the respondent has produced the statement of the victim boy recorded under Section 164 Cr.P.C., and it proved the overt act against the accused. The investigation is yet to be completed.

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

6. Accordingly, this Criminal Original Petition is ordered. The petitioner is directed to be released on bail on 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 (Fast Track Mahila Court), Ramanathapuram, Ramanathapuram District 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 report before the respondent police daily twice at 10.30 a.m. And 05.00 p.m., until further orders.

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

[d]the petitioner shall not tamper with the evidence or witness 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
22/11/2021

/ 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 (FAST TRACK MAHILA COURT),
RAMANATHAPURAM DISTRICT.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.

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

+1 CC to M/s.K.SIVARAJAN, Advocate (SR-8350[I] dated 22/11/2021)

ORDER

IN

CRL OP(MD) No.17725 of 2021

Date :22/11/2021

AM

MK/PN/SAR.I/22.11.2021/3P/6C