



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/11/2021

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.17698 of 2021

Arumugam

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station, Aruppukottai,
Virudhunagar District.
Crime No. 10 of 2021.

... Respondent/Complainant

For Petitioner : Mr.S.Rajeshkanna,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.10 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 17.08.2021 for the offence punishable under Girl Missing @Section 376(3) of IPC and Section 5(I)(j)(ii) r/w.Section 6 of Protection of Child from Sexual Offences Act, 2012 in Crime No.10 of 2021 on the file of the respondent police, seeks bail.

2.The petitioner herein is aged about 23 years and the victim is aged about 15 years. The case of the prosecution is that the petitioner on false promise of marrying the victim girl had penetrative sexual assault on the victim girl again and again and consequently she became pregnant and the same was also aborted. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. The learned counsel for the respondent would also submit that the petitioner is in judicial custody.



custody from 17.08.2021. He would further submit that the petitioner was admitted in Government Rajaji Hospital, Madurai for treatment, hence he seeks bail.

4.The learned Additional Public Prosecutor for the respondent police would submit that the medical tests were already over and the reports are yet to be received. He has also filed a report submitted by the Assistant Professor, Department of Respiratory Medicine, Government Rajaji Hospital, Madurai issued to the respondent police stating that the petitioner was suffering from Right multiloculated empyema (PUS collection within the chest), for which he was treated and further evaluation based on Clinico -radiological evidence, he was started on antituberculous therapy (TB Drugs)

5.Considering the facts and circumstances of the case and also the facts that the petitioner is in judicial custody from 17.08.2021, that major portion of the investigation has been completed except the receipt of medical report and also considering the ill health of the petitioner , this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, 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 POCSO Act, Srivilliputhur, Virudhunagar District.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

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

iii)the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v)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].

vi) If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

23/11/2021

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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.

TO

1 THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL CASES
UNDER POCSO ACT, SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to Mr.S.RAJESH KANNA, Advocate (SR-8405[I] dated 23/11/2021)

ORDER

IN

CRL OP(MD) No.17698 of 2021

Date :23/11/2021

AAV

MK/PN/SAR.II/23.11.2021/3P/6C