



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 16.12.2021
PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.19375 of 2021

Karthikeyan

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Thirumayam,
Pudukottai District.
(Crime No.9 of 2021)

... Respondent/Complainant

For Petitioner : Mr.L.Jeen Felix,
Advocate.

For Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.9 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 14.09.2021 for the offences punishable under Sections 363 and 506(ii) IPC and Sections 3(a), 4(2), 5(1), 6(1) of POCSO (Amendment) Act, 2019 in Crime No.9 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner called the victim girl over phone and asked her to come out from the house. Thereafter, he took her in the two wheeler and committed sexual assault. Hence, the complaint.

3.The earlier petition filed by the petitioner was dismissed by this Court order dated 10.11.2021 in CrI.O.P.(MD)No.15903 of 2021.

4.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would also submit that the petitioner is in judicial custody from 14.09.2021, hence, he seeks bail.



5.The learned Additional Public Prosecutor for the respondent police would submit that investigation has been completed and charge sheet has been filed before the concerned Court and the same is not yet taken on file.

6.Considering the facts and circumstances of the case and also the facts that the petitioner is in judicial custody from 14.09.2021 and that the charge sheet has already been filed, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.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 Judicial Magistrate, Thirumayam.

(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 Mahila Court, Pudukottai 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 / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
16/12/2021

/ 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



TO

1 THE JUDICIAL MAGISTRATE,
THIRUMAYAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THIRUMAYAM,
PUDUKOTTAI DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKOTTAI.

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

COPY TO:

THE MAHILA JUDGE,
PUDUKOTTAI

ORDER

IN

CRL OP(MD) No.19375 of 2021

Date :16/12/2021

CSM

MK/PN/SAR.III/16.12.2021/3P/7C