



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the First day of June Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice C.V. KARTHIKEYAN
CRIMINAL ORIGINAL PETITION No.12527 of 2022

MUNIYAPPAN @ SIVA

[PETITIONER / ACCUSED]

Vs

STATE BY THE INSPECTOR OF POLICE
KAMBAINALLUR POLICE STATION,
DHARMAPURI DISTRICT,
CRIME NO.30 OF 2022.

[RESPONDENT]

For Petitioner : M/S.M.JAYACHANDRAN Advocate

For Respondent : M/S. RAJ THILAK, Govt. Advocate (CrI. Side)

PETITION FOR BAIL 439 Cr.P.C.

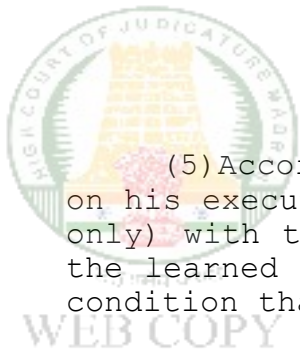
ORDER : The Court Made the following order :-

(1)The petitioner/sole accused, who was arrested on 12.04.2022 for the alleged offences punishable under Sections 363, 366[A] of IPC and Sections 7 and 8 of POCSO Act @ 363, 366 of IPC read with Section 5[1]6 of POCSO Act, in Crime No.30 of 2022 on the file of the respondent police, seeks bail.

(2)Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

(3)The petitioner had the unfortunate experience of being with relationship with a minor child necessitating registration of FIR in Crime No.30/2022 by the respondent police for the aforesaid offences. He had been in custody from 12.04.2022. The statement of the victim child under Section 164 of Cr.P.C., has been recorded and the learned Additional Public Prosecutor states that the Final Report would be filed before the Trial Court.

(4)In view of the fact that during trial, it would only be appropriate that necessary legal assistance is given to the petitioner and also owing to the fact that the petitioner had expressed that he would consider the relationship as being genuine, this Court is inclined to grant bail to the petitioner.



(5) Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judge, Fast Track Mahila Court, Dharmapuri and on further condition 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 daily at 10.30 am., until further orders.

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

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

-sd/-

01/06/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDGE, FAST TRACK
MAHILA COURT, DHARMAPURI

2 THE JAILER
DISTRICT SUB JAIL,
DHARMAPURI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



4 THE INSPECTOR OF POLICE
KAMBAINALLUR POLICE STATION,
DHARMAPURI DISTRICT.

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CC to M/S.M.JAYACHANDRAN
charges Sr.8262

Advocate on payment of necessary

CRL OP.12527/2022

Date :01/06/2022

RVR 01/06/2022