



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

Wednesday, the Twelfth day of January Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) No.378 of 2022

MYDEEN @ SURUTTAI MYDEEN

... PETITIONER/ ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PALAYAMKOTTAI, TIRUNELVELI CITY.
(CRIME NO. 5 OF 2019)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.JINNAH.S.M.A. Advocate

For Respondent : MR.SS.MADHAVAN, Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

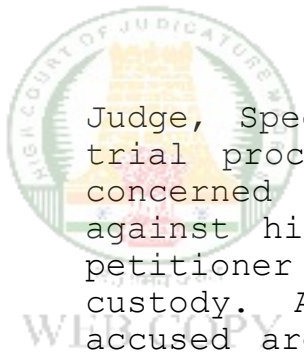
The petitioner/Accused No.2 herein, who was arrested on 11.11.2021 for the alleged offence under Sections 366(A) of IPC r/w. 8 & 12 of POCSO Act, 2012 in Crime No.05 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on false promise as he would marry the defacto complainant the first accused took her from Chennai to Tirunelveli and gave sexual torture and at Tirunelveli they met the petitioner herein and the petitioner taken the defacto complainant to some other house stating that he is a police and was also gave sex torture. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. The A1 is only the main accused. The petitioner is only his friend.

4.The learned Government Advocate (Crl. Side) submitted that investigation has been completed and a charge sheet was also filed before the Special Court and it was taken cognizance in

<https://hcservices.courts.mn.in/CaseServices/>



Judge, Special Court for POCSO Act Cases, Tirunelveli. During the trial process, since the petitioner has not appeared before the concerned Court properly, non bailable warrant has been issued against him. On execution of the non bailable warrant only, the petitioner was arrested on 14.12.2021 and remanded in judicial custody. According to the petitioner, both the victim and the first accused are living together and there is a possibility of filing quash petition against the case. But the learned Government Advocate (Crl. Side) has no instructions in this regard.

5.Considering the period of incarceration and the statement of the learned counsel for the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal 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 Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli and on further condition that the petitioner shall report before the concerned Court once in a week i.e., on every Monday at 10.30 a.m., until further orders.

sd/-
12/01/2022

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/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES, TIRUNELVELI.
- 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PALAYAMKOTTAI, TIRUNELVELI CITY.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUNELVELI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.378 of 2022
Date :12/01/2022

TM
SA/JC/SAR 1/12.01.2022/2P-5C

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