



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/01/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.575 of 2022

S.Muthukumar ... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Nanguneri, Tirunelveli District.
(Crime No. 4 of 2020).

... Respondent/Complainant

For Petitioner : M/s.Sorimuthu.V.,
Advocate.

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.4 of 2020 on the file of the respondent police.

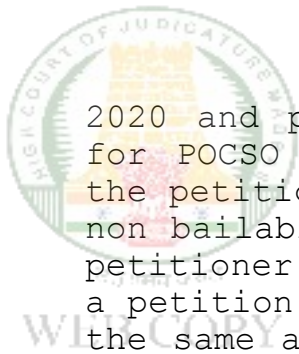
ORDER : The Court made the following order :-

The petitioner/Sole Accused herein, who was arrested on 20.12.2021 for the alleged offence under Sections 366, 506(i) of IPC and Section 6 r/w 5(i) of Protection of Children from Sexual Offences Act, 2012, in Crime No.04 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner taken the victim girl to Tirunelveli and there he lived with her for one month. 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.

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 S.C.No.59 of



2020 and pending before the learned Sessions 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 20.12.2021 the petitioner voluntarily surrendered before the trial Court along with a petition to recall the warrant. But the learned Sessions dismissed the same and remanded the petitioner. From then, he is in custody. The bail application filed by the petitioner also dismissed by the trial Court.

5.The learned counsel for the petitioner submitted that without any intention to abscond he voluntarily surrendered before the trial Court, but the application to recall the warrant came to be dismissed.

6.Considering the period of incarceration and the fact that the petitioner voluntarily surrendered before the trial Court, this Court is inclined to grant bail to the petitioner with certain conditions.

7.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 trial Court once in a week i.e., on every Monday at 10.30 a.m. until further orders.

sd/-

12/01/2022

/ TRUE COPY /

/ /2022

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 POCSO ACT CASES,
TIRUNELVELI.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
NANGUNERI,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.575 of 2022
Date :12/01/2022

RS/VR/SAR.1(12.01.2022) 3P-5C