



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.02.2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.2908 of 2022

Dharmaseelan @ Surya

... Petitioner/Accused No.1

Vs

State represented through
The Inspector of Police,
Soolakarai Police Station,
Virudhunagar District.
(Crime No.200 of 2021)

... Respondent/Complainant

For Petitioner : Mr.M.Kannan,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.200 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 30.12.2021 for the offences punishable under Sections 363 and 506(1) IPC and Sections 7, 8, 5(1) r/w Sections 6, 16 and 17 of POCSO Act, 2012, in Crime No.200 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner by giving false promise to the victim girl, had kidnapped her, who is aged 17 years and that the first accused/petitioner had committed aggravated penetrative sexual assault at the house of the second accused's house. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the



petitioner and the victim girl were in love with each other and she has now attained majority.

4.The learned Additional Public Prosecutor would submit that the petitioner is having two previous cases, in which, one case was registered for the offence under Section 307 IPC, that the medical tests are over and that the investigation is almost completed.

5.Considering the above facts and circumstances and also taking note of the fact that the petitioner is in judicial custody from 30.12.2021 and also the fact that the investigation is almost completed, 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 Special Court for Exclusive Trial of cases under POCSO Act, Virudhunagar District at Srivilliputhur.

(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 Tallakulam Police Station, Madurai, daily at 10.30 a.m., for a period of one month and thereafter, report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter as and when required for interrogation;

(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/-

10/02/2022

/ TRUE COPY /

10/02/2022

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.

WEB COPY

- TO
- 1 THE SPECIAL JUDGE FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 - 2 THE INSPECTOR OF POLICE
SOOLAKARAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
TALLAKULAM POLICE STATION,
MADURAI.
 - 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M.KANNAN, Advocate (SR-981[I] dated 10/02/2022)

ORDER

IN

CRL OP(MD) No.2908 of 2022

Date :10/02/2022

RS/VR/SAR.2(10.02.2022) 3P-7C