



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21.02.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

WEB COPY

CRL OP(MD) . No.3589 of 2022

Kalimuthu

... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
All Women Police Station,
Bodi, Theni District.
(Crime No.2 of 2021)

... Respondent/Complainant

For Petitioner : Mr.PRASANNA RAJADURAI.A.
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.2 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 07.01.2022 for the offences punishable under Sections 5(i), 5(m), 6 of POCSO Act, 2012, in Crime No.2 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner has committed penetrative aggravated sexual assault on the victim girl, who is aged about 6 years. Hence, the complaint.

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

4.The learned Additional Public Prosecutor appearing for the State would submit that the petitioner has committed sexual assault on the victim girl aged 6 years. He would further submit that the case is pending for trial and this is the first occasion NBW was issued against the petitioner.

5.It is evident from the records that since the petitioner has not appeared before the trial Court on 03.01.2022, NBW was ordered to be issued and the petitioner was arrested on 07.01.2022 and he is in judicial custody till now.



6.Considering the facts and circumstances of the case and also the facts that the petitioner is in judicial custody from 07.01.2022 and this is the first occasion that NBW was issued against him, 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 Sessions Judge, Mahila Court, Theni, Theni District.

(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 concerned Court on all working days 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/-

21/02/2022

/ TRUE COPY /

21/02/2022

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.

TO

1 THE SESSIONS JUDGE,
MAHILA COURT, THENI.

2 THE OFFICER INCHARGE
DISTRICT PRISON, THENI, THENI DISTRICT.



3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
BODI, THENI DISTRICT.

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

+1. CC to M/S. PALANIYANDI. NA Advocate SR.No.1338

ORDER

IN

CRL OP(MD) No.3589 of 2022

Date :21/02/2022

SA/VR/SAR.1/21.02.2022/3P/6C