



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3826 of 2022

Karuppaiah

... Petitioner/Sole Accused

Vs

State represented by
The Inspector of Police,
Manapparai All Women Police Station,
Trichy District.
(Crime No.06 of 2020).

... Respondent/Complainant

For Petitioner : Mr.L.Jeen Felix,
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.06 of 2020 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 04.08.2021 for the offences punishable under Sections 3(a) and 4 of POCSO Act, 2012 altered into Sections 5(1) and 6(1) of POCSO Act, 2012 and Sections 366 and 376(3) IPC, in Crime No.06 of 2020, on the file of the respondent police, seeks bail.

2.It is not in dispute that since the petitioner has not turned up for the hearing on 03.03.2021, NBW was ordered to be issued and the same was executed and the petitioner was arrested on 04.08.2021 and he is still in judicial custody.

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



4.The learned Additional Public Prosecutor would submit that the trial Court has already examined four witnesses but the defense side has not chosen to cross-examine the witnesses and the case was posted on 02.03.2022 for examination of the remaining witnesses.

5.Considering the facts that the petitioner is in judicial custody from 04.08.2021, that the trial of the case is in part heard stage and that the petitioner is not having any bad antecedents, 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 Judicial Magistrate, Musuri.

(a) 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;

(b)the petitioner shall report before the trial Court daily at 10.30 a.m., on all working days, until further orders;

(c)the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond 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]***; and;

(f)if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

25/02/2022

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25/02/2022

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.

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- TO
- 1 THE JUDICIAL MAGISTRATE,
MUSIRI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
 - 3 THE INSPECTOR OF POLICE
MANAPPARAI ALL WOMEN POLICE STATION,
TRICHY DISTRICT.
 - 4 THE SUPERINTENDENT,
CENTRAL JAIL, TRICHY.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-1513[I] dated
25/02/2022)

ORDER

IN

CRL OP(MD) No.3826 of 2022

Date :25/02/2022

RS/VR/SAR.1(25.02.2022) 3P-7C