



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01/03/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3834 of 2022

Esakki

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Pathamadai Police Station,
Tirunelveli District.
Cr.No. 10 of 2022.

... Respondent/Complainant

For Petitioner : M/s.SATHYACHIDAMBARAM.S,
Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.10 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

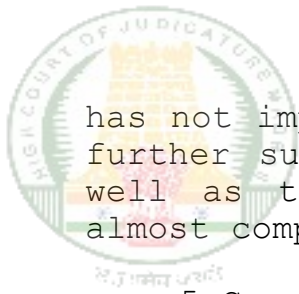
The petitioner/sole accused, who was arrested and remanded to judicial custody on 19.01.2022 for the offences punishable under Section 366(A) of IPC and Sections 7 and 8 of Protection of Children from Sexual Offences Act, 2012, in Crime No.10 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 17.01.2022, the defacto complainant's daughter was found missing and hence, she lodged a complaint before the respondent police and thereafter, the victim girl was returned and gave a statement under Section 164 Cr.P.C., and on that basis, the respondent police altered the case.

3.The learned counsel for the petitioner would submit that the petitioner and the victim girl were in love and that the victim itself has not implicated the petitioner in the statement alleged to have been taken by the police.

4.The learned Additional Public Prosecutor would submit that the statement recorded under Section 164 Cr.P.C., the victim girl

<https://hcservices.ecourts.gov.in/hcservices/>



has not implicated the petitioner and it is a love affair. He would further submit that the medical examination of the victim girl as well as the petitioner were 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 19.01.2022 and also the fact that the victim has not implicated the petitioner in the statement recorded under Section 164 of Cr.P.C. and that the investigation is almost completed as stated by the learned Additional Public Prosecutor, 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 Sessions Judge cum Special Court for POCSO Act Cases, Tirunelveli, Tirunelveli 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 respondent police daily 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/-
01/03/2022

/ TRUE COPY /

01/03/2022
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 CUM SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI, TIRUNELVELI DISTRICT.
- 2 THE SUPERINTENDENT
CENTRAL JAIL, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
PATHAMADAI POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.3834 of 2022

Date :01/03/2022

SA/PN/SAR.3/01.03.2022/3P/5C