



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/03/2022

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PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.3941 of 2022

Prakash

... Petitioner/Sole Accused

Vs

State through
The Sub-Inspector of Police,
Thirumayam Police Station,
Pudukkottai District.
(Crime No.176 of 2021).

... Respondent/Complainant

For Petitioner : Mr.A.Balaji,
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 Spl.S.C.No.14 of 2021 on the file of the learned Judge, Family Court, Sessions Judge, (Full Additional Charge) Mahila Court, Pudukkottai.

ORDER : The Court made the following order :-

The petitioner/accused is facing a case for the offences punishable under Sections 363 IPC and 5(1) r/w 6(1) of POCSO Amendment Act, in Spl.S.C.No.14 of 2021 on the file of the learned Judge, Family Court, Sessions Judge, (Full Additional Charge) Mahila Court, Pudukkottai, in Crime No.176 of 2021 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 27.11.2021, Non-Bailable Warrant (NBW) was ordered to be issued and the same was executed on 07.02.2022 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 Non-Bailable warrant was issued for the first time against the petitioner herein and that the trial is posted for examination of L.W.1.

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5.Considering the above facts and circumstances and also the fact that the petitioner is in judicial custody from 07.02.2022, 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 Judge, Family Court, Sessions Judge, (Full Additional Charge) Mahila Court, Pudukkottai.

(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 trial 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/-

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09/03/2022

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 JUDGE,
FAMILY COURT, SESSIONS JUDGE, (FULL ADDITIONAL CHARGE)
MAHILA COURT, PUDUKKOTTAI.

2 THE SUB INSPECTOR OF POLICE
THIRUMAYAM POLICE STATION, PUDUKKOTTAI DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, PAPANASAM.

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

ORDER

IN

CRL OP(MD) No.3941 of 2022

Date :09/03/2022

CSM

MK/PN/SAR.I/09.03.2022/3P/5C