



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

Date : 25.03.2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4379 of 2022

Sam Benjamin

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
(Crime No.326 of 2017)

... Respondent/Complainant

For Petitioner : Mr.C.Susikumar,
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.326 of 2017 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 21.01.2022 for the offence punishable Sections 294(b), 306, 511 IPC and Section 12 of Protection of Children from Sexual Offences Act, in Crime No.326 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the victim are residing in the same area and frequently the petitioner is said to have proposed his love and not tolerating the same, the victim girl tried to commit suicide. Hence, the complaint.

3.It is not in dispute that the petitioner has not appeared before the concerned Court for hearing on 29.11.2021 and hence, NBW was ordered to be issued and that the same was executed on 21.01.2022 and that the petitioner is still in custody.



4.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 has also filed an affidavit sworn by the petitioner, wherein he has stated that he realized his mistake and seeking unconditional apology for non appearance and undertakes that he will cooperate for trial without fail and appear for all hearings till the end of the trial.

5.The learned Additional Public Prosecutor would submit that the case is pending for framing of charges.

6.Considering the facts and circumstances of the case and also the facts that the petitioner is in custody from 21.01.2022 and that the case is pending for framing of charges and also taking note of the undertaking affidavit filed by the petitioner, 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 Sessions Court, Special Court for POCSO Act Cases, Tirunelveli.

(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 for a period of thirty days 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/-

25/03/2022

/ TRUE COPY /

25/03/2022

Sub-Assistant Registrar (C.S-IV)
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,
SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI.
2. THE INSPECTOR OF POLICE,
KODANKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, PALAIYAMKOTTAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4379 of 2022
Date :25/03/2022

das
USK/VR/SAR-IV/25.03.2022/3P/5C