



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

Date : 11.03.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4717 of 2022

WEB COPY

Mohamed Hanifa

... Petitioner/Sole Accused

vs.

State represented by
The Inspector of Police,
All Women Police Station,
Aranthangi,
Pudukkottai District.
(Crime No.13 of 2021)

... Respondent/Complainant

For Petitioner : Mr.A.Prasanna Rajadurai,
Advocate.

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl. side).

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

PRAYER :-

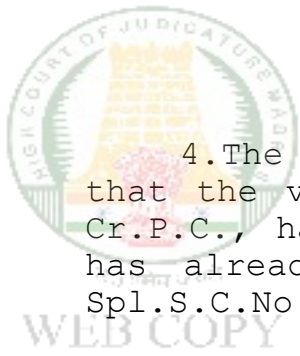
For Bail in Spl.S.C.No.10 of 2022 on the file of the learned Sessions Judge, Mahila Court, Pudukkottai, Pudukkottai District.

ORDER : The Court made the following order :-

The petitioner/accused is facing a case for the offences punishable under Section 12 of POCSO Act, 2012, and Sections 426 and 506(2) IPC, on the file of the learned Sessions Judge, Mahila Court, Pudukkottai, Pudukkottai District, in Crime No.13 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner, in a drunken mood, had broken the iron shutter, which was, placed in the defacto complainant's house and he had always been seeing the defacto complainant's daughter with bad intention and also threatened the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is relative to the defacto complainant and the defacto complainant's husband is in abroad and that there existed some disputes between the families, the defacto complainant has lodged the above complaint implicating the petitioner. He would further submit that even in the complaint as well as in the charge sheet, they have not alleged that the petitioner had abused physically.



4.The learned Government Advocate (Criminal Side) would submit that the victim girl, in her statement recorded under Section 164 Cr.P.C., has not implicated the petitioner. Moreover, investigation has already been completed and charge sheet has been filed in Spl.S.C.No.10 of 2022.

5.Considering the above facts and circumstances and also the facts that the petitioner is in judicial custody from 27.01.2022 and that investigation has already been completed and charge sheet has been filed, this Court is inclined to grant bail to the petitioner 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, Mahila Court, Pudukkottai, Pudukkottai 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 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/-
11/03/2022

/ TRUE COPY /

/ /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,
PUDUKKOTTAI, PUDUKKOTTAI DISTRICT.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARANTHANGI,
PUDUKOTTAI DISTRICT.
3. THE OFFICER-INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.NA.PALANIYANDI, Advocate (SR-1916[I] dated 11/03/2022)

ORDER
IN
CRL OP(MD) No.4717 of 2022
Date :11/03/2022

USK/VR/SAR-III/11.03.2022/3P/6C