



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/04/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5968 of 2022

T.Amjathkhan

... Petitioner/Sole Accused

Vs

1 State represented by
The Inspector of Police,
Avaniapuram Police Station,
Madurai,
Madurai District.
(Crime No.66 of 2022).

... Respondent/Complainant

**(*)2 The Inspector of Police,
All Women Police Station,
Thiruparankundram,
Madurai District.**

**... Respondent/Proposed Respondent/
Complainant**

**(*) [2nd respondent impleaded vide order dated
01.04.2022 in CrI.M.P. (MD)No.4280 of 2022
in CrI.O.P. (MD)No.5968 of 2022]**

For Petitioner : Mr.J.Sulthan Basha,
Advocate.

For Respondents : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

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

PRAYER :-

For Bail in Crime No.66 of 2022 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 28.01.2022 for the offences punishable under Sections 7 and 8 of POCSO Act, 2012, in Crime No.66 of 2022, on the file of the respondent police, seeks bail.



2.The case of the prosecution is that on 26.01.2022, the petitioner had entered into the house of the defacto complainant and attempted to hug the daughter of the defacto complainant, who is 10 years old, from behind and closed her mouth. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has been taking treatment from 2020 for depression and for other mental related issues, that the petitioner and the defacto complainant are neighbors and that the defacto complainant by misunderstanding his daughter words, has preferred the complaint. He would further submit that the petitioner has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor would submit that the victim girl, in her statement recorded under Section 164 Cr.P.C., has reiterated the contentions raised by the defacto complainant and that she has not stated any other assault allegedly committed by the petitioner.

5.Considering the above facts and circumstances and also the nature of the charges levelled against the petitioner and also the facts that the petitioner is in judicial custody from 28.01.2022 and that the petitioner is not having any previous cases for similar or serious offence, 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, Principal Court for trial of cases under POCSO Act, Madurai.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Sessions Judge/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 first 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 Sessions Judge/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 Sessions Judge/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/-

01/04/2022

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01/04/2022

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,
Principal Court for trial of cases under POCSO Act,
Madurai.
2. The Superintendent,
Central Prison,
Madurai.
3. The Inspector of Police,
Avaniapuram Police Station,
Madurai,
Madurai District.
4. The Inspector of Police,
All Women Police Station,
Thiruparankundram,
Madurai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

CRL OP(MD) No.5968 of 2022

Date : 01/04/2022

RS/VR/SAR.3(01.04.2022) 3P-6C

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