



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2022

WEB COPY

PRESENT

The Hon'ble Mrs.Justice T.V.THAMILSELVI

CRL.OP(MD).No.9109 of 2022

Mathiyalagan

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
(Crime No.95 of 2022).

... Respondent/Complainant

For Petitioner : Mr.C.S.Saravanan
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.95 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner who was arrested on 16.04.2022 for the offences under Section 363 of IPC and Section 5(1) r/w 6 of Protection of Children from Sexual Offences Act 2012, in Cr.No.95 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had exploited and committed penetrative sexual assault on the victim girl aged 17 years with false promise of marry her. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner and the victim girl loved each other and when they asked the permission of the parents for marriage, they denied for the same and lodged a false complaint.



4.The learned Additional Public Prosecutor for the respondent police objected for grant of bail and produced the copy of the statement recorded under Section 164 Cr.P.C.

5.On a perusal of the victim girl's statement, it is seen that it is a case of love affair and investigation is almost completed and the petitioner is in judicial custody from 16.04.2022.

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 Court, Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Sivagangai.

(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., for a period of two months 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]***.

sd/-

18/05/2022

/ TRUE COPY /

18/05/2022

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 COURT,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, 2012, SIVAGANGAI.

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



2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE
KARAIKUDI NORTH POLICE STATION, SIVAGANGAI DISTRICT

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

+1 CC to Mr.C.S.SARAVANAN, Advocate (SR-4682[I] dated 18/05/2022)

ORDER
IN
CRL OP(MD) No.9109 of 2022
Date :18/05/2022

ias
MK/SVR/SAR.II/18.05.2022/3P/6C