



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.9112 of 2022

S.Murugan

... Petitioner/Sole Accused

Vs.

State Rep.by
The Inspector of Police,
Muthukulathur Police Station,
Ramanathapuram District.
(Cr.No.268 of 2022)

... Respondent/Complainant

For Petitioner : Mr.R.Manickam,
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. 268 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner who was arrested on 24.07.2021 for the offences under Sections 7, 8, 9(1), 9(m), 9(n) & 10 of Protection of Children from Sexual Offences Act 2012, in Cr.No.268 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 22.07.2021, the petitioner called the victim girl to his house and committed aggravated sexually assault with the victim girl. Hence, the complaint.

3.The learned counsel for the petitioner submitted that due to previous enmity, the defacto complainant lodged a false complaint and the petitioner has not committed any offence. He further submitted that the petitioner's wife passed away leaving behind the two children and they are living without parents. Hence, he seeks bail with any condition.



4.The learned Additional Public Prosecutor for the respondent police objected for grant of bail and produced the copy of the statement of the victim girl recorded under Section 164 Cr.P.C. He submitted that the investigation has been completed and trial is over. The case is posted for defence side witnesses on 19.05.2022.

5.Considering the period of incarceration, there is no possibility of tampering the witnesses and the trial was also almost completed, this Court is inclined to grant bail to the petitioner.

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 (Fast Track Mahila Court), Ramanathapuram.

(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 on every Monday and Saturday at 10.30 a.m., for a period of three 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 JUDGE
(FAST TRACK MAHILA COURT),
RAMANATHAPURAM.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 3 THE INSPECTOR OF POLICE
MUTHUKULATHUR POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9112 of 2022
Date :18/05/2022

RS/JM/SAR.2 (18.05.2022) 3P-5C