



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

Date : 14.06.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.9126 of 2022

WEB COPY

Antony

... Petitioner/Accused(Sole)

Vs

State represented by
The Inspector of Police,
All Women Police Station,
Kanyakumari District.
(Crime No.10 of 2022).

... Respondent/Complainant

For Petitioner : Mr.P.Venkatesan,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor.

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

PRAYER :-

For Bail in Crime No.10 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 15.04.2022 for the offences punishable under Sections 9(n), 10, 11(1) and 12 of POCSO Act, in Crime No.10 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant has lodged a complaint against her husband/petitioner stating that the petitioner did obscene activities towards his own daughter, who is a minor girl. Hence, the complaint.

3.The learned counsel for the petitioner would submit that there existed some dispute between the petitioner and the defacto complainant and to take vengeance, the defacto complainant has lodged the false complaint against the petitioner. He would further submit that the petitioner met with an accident on 10.10.2021 and in the said accident, the petitioner has lost his son and he also sustained serious injuries and that the petitioner is taking treatment in Government Hospital till now.

4.The learned Additional Public Prosecutor would submit that investigation has already been completed and charge sheet has been filed.



5.Considering the above facts and circumstances and also the facts that investigation has already been completed and charge sheet has been filed and that the petitioner is taking treatment in Government hospital, 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 Special Court for Exclusive Trial of Cases under POCSO Act, Kanyakumari at Nagercoil.

(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 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 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 thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

14/06/2022

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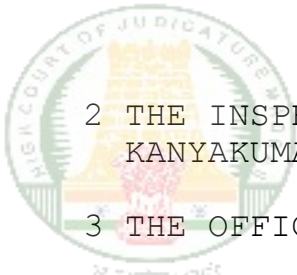
14/06/2022

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 JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
KANYAKUMARI AT NAGERCOIL.



2 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
KANYAKUMARI.

3 THE OFFICER INCHARGE, SUB JAIL, NAGERCOIL.

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

ORDER

IN

CRL OP(MD) No.9126 of 2022

Date :14/06/2022

RS/VR/SAR.3 (14.06.2022) 3P-5C