



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 19/05/2022
PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD).No.9299 of 2022

Rajaiyan

... Petitioner/1st Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Colachel,
Kanyakumari District.
(Cr.No.10 of 2022)

... Respondent/Complainant

For Petitioner : Mr.S.C.HEROLD SINGH,
Advocate.

For Respondent : Mr.B.NAMBI SELVAN,
Additional Public Prosecutor

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

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

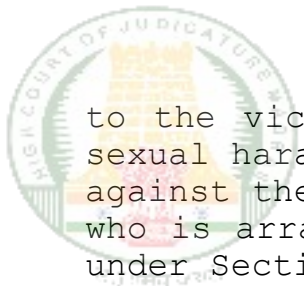
ORDER : The Court made the following order :-

The petitioner/First Accused, who was arrested and remanded judicial custody on 30.03.2022 for the offences punishable under Sections 506(i) of IPC and Sections 5(1), 6 and 21(1) of POCSO Act, 2012, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 23.01.2022 at about 8.00 a.m., the first accused Rajaiyyan came to the house of victim and misbehaved with the petitioner's daughter. Based on the secret information received by the District Child Welfare Officer, the District Child Welfare Officer conducted an enquiry with the victim. Based on the complaint given by the District Child Welfare Officer, the respondent police registered a case and in that case, the petitioner is arrayed as first accused.

3.The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor for the respondent police objected for grant of bail stating that the petitioner/A1 had used to go to the house of the victim girl in order to give salary



to the victim's mother. At that time, he has committed some other sexual harassment to the victim. Hence, the case has been registered against the petitioner/ A1 along with the mother of the victim girl, who is arrayed as A2. The statement of the victim girl was recorded under Section 164 Cr.P.C. and investigation is almost completed.

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5. Since investigation is 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 Special Court for Exclusive Trial of Cases under POCSO Act, Kanniyakumari at Nagercoil.

(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 stay at Tirunelveli District and report before the Town Police Station, Tirunelveli at 10.30 a.m., for a period of eight weeks 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/-

19/05/2022

/ TRUE COPY /

19/05/2022

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



2 THE OFFICER INCHARGE
DISTRICT JAIL, NAGERCOIL.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
COLACHEL,
KANYAKUMARI DISTRICT.

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

COPY TO:

THE INSPECTOR OF POLICE
TOWN POLICE STATION,
TIRUNELVELI.

+1. CC to M/S.HEROLD SINGH.S.C Advocate SR.No.4757

ORDER

IN

CRL OP(MD) No.9299 of 2022

Date :19/05/2022

SA/SVR/SAR.2/19.05.2022/3P/7C