



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/06/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.10169 of 2022

Archunapandi

... Petitioner/1st Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Tiruchendur,
Thoothukudi District.
Crime No. 16 of 2021.

... Respondent/Complainant

For Petitioner : M/s.PON KARTHIKEYAN.R,
Advocate.

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

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

PRAYER :- For Bail in Crime No.16 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A.1, who was arrested and remanded to judicial custody on 23.03.2022 for the offences punishable under Sections 5(n), 5(m), 5(l) r/w 6, 9 (n) and 10 of POCSO Act, 2012 and Section 506(i) of IPC in Crime No.16 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and his four sons committed sexual assault on the victim girl for the past four years and thereafter, she has been criminally intimidated by the accused persons. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is the grandfather and A2 to A4 are maternal uncles of the victim girl, that the victim girl was in love with a boy and that when the same was questioned, she gave a false complaint against this petitioner. He would further submit that since she eloped with the boy, the petitioner lodged a complaint before the respondent police and the same was registered in C.S.R.No.216 of 2021 and after getting statement from the victim girl, they have



closed the complaint and that subsequently, she had eloped with that boy and as of now, the whereabouts of the victim girl is not known.

4.The learned Additional Public Prosecutor would submit that now the victim girl is residing in Bombay and they have been taking steps to secure the victim girl and that the investigation is almost completed.

5.Considering the above facts and circumstances and also taking note of the age of the petitioner and also the facts that the petitioner is in judicial custody from 23.03.2022 and that the investigation is almost completed, 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, Thoothukudi.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Special Court/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 Special 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 Special 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

17/06/2022

/ TRUE COPY /

17/06/2022

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 SPECIAL JUDGE
FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
THOOTHUKUDI.
- 2 THE OFFICER INCHARGE
DISTRICT PRISON, THOOTHUKUDI.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUCHENDUR,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.PON KARTHIKEYAN.R Advocate SR.No.5672

ORDER

IN

CRL OP(MD) No.10169 of 2022

Date :17/06/2022

SA/VR/SAR.1/17.06.2022/3P/6C