



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

Dated: 27/06/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGOVAN

Crl.OP(MD)No.10862 of 2022

WEB COPY

Krishnapandi

... Petitioner/Accused No.2

Vs.

State Rep.by
The Inspector of Police,
All Women Police Station,
Tiruchendur,
Tuticorin District.
(Crime No.16 of 2021)

... Respondent/Complainant

For Petitioner : Mr.J.David Ganesan
For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

PETITIONS 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.

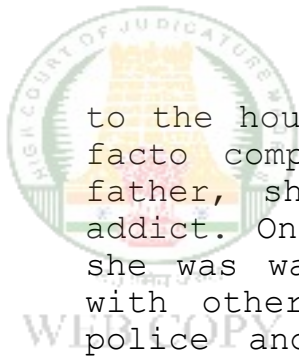
ORDER : The Court made the following order :-

The petitioner, who is arrayed as A2 was arrested on 23/03/2022 and remanded to judicial custody for the alleged offences punishable under sections 5(n), 5(m), 5(1) r/w 6, 9(n) and 10 of POCSO Act, 2012 and section 506(i) 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 de-facto complainant is the victim, subjected to sexual intercourse by her close relatives and family members. She was also criminally intimidated. So on the basis of the complaint, the case was registered against the accused persons.

3.Heard both sides.

4.The learned counsel appearing for the petitioner would submit that the petitioner is the Uncle of the de-facto complainant. One Gopala Krishnan is the elder son of A1 and the father of the de-facto complainant. The mother of the de-facto complainant died. Because of that, the father of the de-facto complainant was mentally ill and also became a sexual addict. He used to bring so many women



to the house and had sexual intercourse in the presence of the de-facto complainant. So because of the above said conduct of her father, she was also mentally affected and also became a sexual addict. On coming to know the conduct of the de-facto complainant, she was warned. Because of the above said issue, she also eloped with other person. Al has given complaint before the respondent police and the police is in search of her. According to the petitioner, only to harass the petitioner, such a false complaint has been given.

5. But on reading of the 161(3) statement as well as the entire CD file shows that serious allegation of forcible sexual assault has been made by the victim girl. Whether the story projected by the petitioner is true or not is a matter for consideration during the course of investigation.

6. It is also seen that major portion of the investigation is also over and because of missing of the victim girl, further investigation process is hampered. But it is seen that the petitioner was arrested and remanded to custody, on 23/03/2022. Now the statutory period is also over.

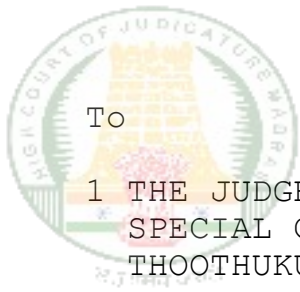
7. So without going into the merits of the case, the petitioner is granted **statutory bail** with certain conditions. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the Special Court for Exclusive Trial of cases under POCSO Act, Thoothukudi and on further condition that the petitioner shall stay at Trichy and report before the Judicial Magistrate No.1, Trichy daily at 10.30 am until further orders.

sd/-
27/06/2022

/ TRUE COPY /

27/06/2022
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,
THOOTHUKUDI.

2 THE JUDICIAL MAGISTRATE NO.1,
TRICHY.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TIRUCHENDUR,
THOOTHUKUDI DISTRICT.

5 THE OFFICER INCHARGE,
DISTRICT JAIL,
PERURANI,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.J.DAVID GANESAN, Advocate (SR-6212[I] dated 27/06/2022)

ORDER

IN

CRL OP(MD) No.10862 of 2022

Date :27/06/2022

RS/SVR/SAR.1 (27.06.2022) 3P-8C