



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

Date : 24.06.2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.11079 of 2022

Dhanabal

... Petitioner/Accused No.2

Vs

The State represented by its
The Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar District.
(Crime No.6 of 2022).

... Respondent/Complainant

For Petitioner : Mr.B.Muneeswaran,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor.

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

PRAYER :-

For Bail in Crime No.6 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.2, who was arrested and remanded to judicial custody on 08.04.2022 for the offences punishable under Sections 366 and 376(3) IPC and Sections 5(1)(j)(ii) r/w 6 of POCSO Act, 2012, in Crime No.6 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had committed penetrative sexual assault on the victim girl, who is aged about 15 years. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner's name does not find place in the FIR and subsequently at the time of recording 164 Cr.P.C. statement, due to previous enmity between the families, the victim girl has falsely implicated the petitioner, who is aged about 60 years. He would further submit that the main accused was already granted bail by the District and Sessions Court.



4.The learned Additional Public Prosecutor would submit that medical examination of both the accused as well as the victim girl were already over and that investigation is almost completed except receiving the medical reports.

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5.Considering the above facts and circumstances and also the facts that the petitioner is in judicial custody from 08.04.2022, that investigation is almost completed except receiving the medical reports and that the petitioner is not having any bad antecedents, 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 POCSO Act Cases, Virudhunagar District at Srivilliputhur.

(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 respondent police daily 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;

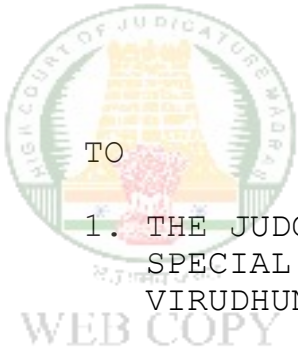
(v)On breach of any of the aforesaid conditions, the learned Sessions Judge/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Sessions Judge/Trial Court himself as 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/-
24/06/2022

/ TRUE COPY /

24/06/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDGE,
SPECIAL COURT FOR POSCO ACT CASES,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.B.MUNEESWARAN, Advocate (SR-6074[I] dated 24/06/2022)

ORDER

IN

CRL OP(MD) No.11079 of 2022

Date :24/06/2022

CSM

USK/PN/SAR-II/24.06.2022/3P/6C