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CRL OP(MD). A



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/07/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.11921 of 2022

Selvaraj

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Rajapalayam All Women Police Station,
Virudhunagar District.
Crime No.7/2022.

... Respondent/Complainant

For Petitioner : Mr.M.Mariappan,
Advocate.

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

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

PRAYER :-For Bail in Crime No.07/2022 on the file of the respondent police.

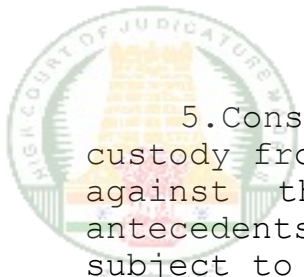
ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 05.05.2022 for the offences punishable under Section 11(4) r/w 12 of POCSO Act, 2012, in Crime No.07 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner followed the victim girl continuously, who is aged about 13 years at the time of incident and had committed sexual harassment on her. Hence, the complaint.

3.No doubt, the petitioner's earlier bail application was dismissed by this Court vide order dated 16.06.2022 in CrI.O.P.(MD) No.10634 of 2022.

4.The learned Additional Public Prosecutor would submit that the investigation is almost completed and that the petitioner is having no previous case.



5.Considering the fact that the petitioner is in custody from 05.05.2022 and also taking note of the charges levelled against the petitioner and that he is not having any bad antecedents, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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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 Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act 2012, Virudhunagar District at Srivilliputtur.

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

sd/-

04/07/2022

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04/07/2022

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 SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT 2012, VIRUDHUNAGAR.

2 THE OFFICER INCHARGE,
SUB JAIL, VIRUDHUNAGAR.

3 THE INSPECTOR OF POLICE
RAJAPALAYAM ALL WOMEN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to MR.M.MARIAPPAN, Advocate (SR-6507[I] dated 04/07/2022)

ORDER

IN

CRL OP(MD) No.11921 of 2022

Date :04/07/2022

SJI

MK/PN/SAR.II/04.07.2022/3P/6C