



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

Date : 12.07.2022

PRESENT

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

CRL OP(MD). No.12434 of 2022

WEB COPY

Shahin Rojer

... Petitioner/Accused No.1

**Vs**

State Rep.by  
The Inspector of Police,  
All Women Police Station,  
Colachel, Kanniyakumari District.  
(Crime No.17 of 2022).

... Respondent/Complainant

For Petitioner : Mr.K.Navaneetharaja, 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.17 of 2022 on the file of the Respondent Police.

**ORDER :** The Court made the following order :-

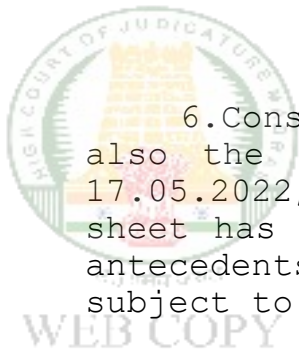
The petitioner/A.1, who was arrested and remanded to judicial custody on 17.05.2022 for the offences punishable under Section 305 IPC, Sections 7 and 8 of Protection of Child from Sexual Offences Act, 2012 and Section 75 of Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.17 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.No doubt, the earlier applications for bail filed by the petitioner in Crl.O.P.(MD)Nos.10032 and 11348 of 2022 were dismissed by this Court vide orders dated 08.06.2022 and 27.06.2022.

4.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

5.The learned Additional Public Prosecutor would submit that investigation has already been completed and charge sheet has been filed before the Special Court for POCSO Act Cases, Nagercoil, Kanyakumari District, and the same is yet to be taken on file



6. Considering the above facts and circumstances of the case and also the facts that the petitioner is in judicial custody from 17.05.2022, that investigation has already been completed and charge sheet has been filed 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:

7. 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 Sessions Judge for POCSO Cases, Nagercoil.

(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 Special Court for POCSO Act Cases, Nagercoil, at 10.30 a.m., on all working days 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/-

12/07/2022

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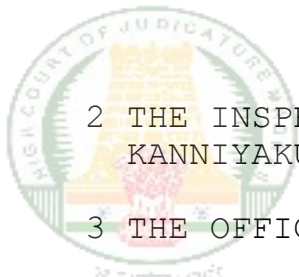
12/07/2022

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 SPECIAL SESSIONS JUDGE FOR POCSO CASES, NAGERCOIL.



2 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, COLACHE  
KANNIYAKUMARI DISTRICT.

3 THE OFFICER INCHARGE, SUB JAIL, NAGERCOIL.

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

+1 CC to M/s.K.NAVANEETHARAJA, Advocate ( SR-6950[I] dated  
12/07/2022 )

ORDER

IN

CRL OP(MD) No.12434 of 2022

Date :12/07/2022

RS/PN/SAR.1 (12.07.2022) 3P-6C