



WEB COPY

CRL OP(MD). N



22

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

Reserved on : 07/09/2022  
Delivered on : 16/09/2022

PRESENT

**The Hon`ble Mrs.Justice R.THARANI**

CRL OP(MD). No.14202 of 2022

Mohamed Lukman ... Petitioner/Sole Accused

Vs.

1. The State Rep. By,  
The Inspector of Police,  
Thallakulam Police Station,  
Madurai City.  
(Crime No. 473 of 2022).

... Respondent/Complainant

2. NAJEEMA

... Petitioner/Intervener  
in CRL MP(MD) No.9764/2022

For Petitioner : M/s.Jainul Abudheen A,  
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,  
Additional Public Prosecutor

For intervenor : Mr.N.Vijayarajan, Advocate

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

PRAYER :-

For Bail in Crime No. 473 of 2022 on the file of the respondent police.

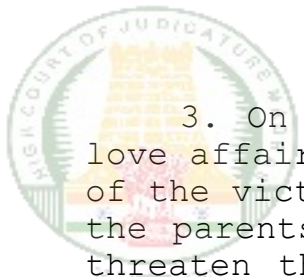
ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 02.07.2022, in Crime No.473 of 2022, on the file of the respondent police, seeks bail.

2. The case against the petitioner is that the victim girl was having some love affair with the petitioner, after being warned by her mother, the victim girl stopped any connection with the petitioner. Thereafter, the petitioner threatened her that he will publish her photos in social medias and due to the same, the victim girl attempted to commit suicide and she was admitted in the hospital. A case in Crime No. 473 of 2022 was registered against the petitioner under Sections 7 and 8 of POCSO Act and Section 506 (i)

I. P. C.

<https://www.mhc.tn.gov.in/judis>



3. On the side of the petitioner, it is stated that it is a love affair between the victim girl and the petitioner. The parents of the victim did not accept the love and only due to the torture of the parents, the victim girl attempted to commit suicide. Only to threaten the petitioner, a false complaint was foisted against the petitioner. The alleged occurrence was said to have taken place on 27.06.2022, but, the complaint was lodged on 02.07.2022. Sections 7 and 8 of POCSO Act will not attract to the case. There was no sexual intend or assault and prayed the petitioner to be released on bail.

4. On the side of the prosecution, it is stated that investigation is in the initial stage. If the petitioner was released on bail, there is a chance for the petitioner, to threaten the victim again and he may abscond to some other place.

5. On the side of the intervenor, it is stated that the petitioner gave love torture to the victim, he threatened the victim to broadcast her photograph in the Internet and only due to his threatening, the victim try to commit suicide and seriously objected to the release of the petitioner on bail.

6. Considering the nature of the offence and considering the fact that the age of the petitioner is 20 years and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on his executing a bond for a sum of 10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the Special Court for POCSO Case, Madurai District, and on further conditions that:

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/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 be present before the Court on hearing dates and before the respondent police as and when required;

**(v) the petitioner shall not disturb the victim girl and shall not circulate any photograph of the victim in the social media.**

(vi) On breach of any of the aforesaid conditions, the learned Magistrate/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 Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.



(vii) If the accused / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-  
16/09/2022

WEB COPY

/ TRUE COPY /

16/09/2022

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,  
PRINCIPAL SPECIAL COURT FOR TRIAL OF CASES UNDER POCSO ACT,  
MADURAI.
2. THE INSPECTOR OF POLICE,  
THALLAKULAM POLICE STATION,  
MADURAI CITY.
3. THE SUPERINTENDENT,  
CENTRAL JAIL, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 C.C. TO M/S.A.JAINUL ABUDHEEN, Advocate, S.R.NO.10122 (I).

ORDER  
IN  
CRL OP(MD) No.14202 of 2022  
Date :16/09/2022

ls  
USK/SBN/SAR-I/16.09.2022/3P/6C