



Crl.O.P.(MD)No.15881 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2022

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CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGOVAN**

Crl.O.P.(MD)No.15881 of 2022

Kalaiyarasi ... Petitioner/Accused No.2

Vs.

1.State Through

The Assistant Commissioner of Police,
Thirupparankundram, Madurai.

Crime No.17 of 2022

... 1st Respondent/Complainant

2.State Through

The Inspector of Police,
All Women Police Station,
Thirupparankundram,
Madurai.

Crime No.17 of 2022

... 2nd Respondent/Complainant

3.Dhanapandiammal

... 3rd Respondent/De-facto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned Sessions Judge/Principal Special Court for Trial Cases under POCSO Act, Madurai to consider the bail application to be filed by the petitioner/A2 on the same day in Crime No.17 of 2022 pending on the file of the second respondent police.

For Petitioner : Mr.Babu Rajendran

For R-1 and R-2 : Mr.A.Albert James

Government Advocate (Crl. side)



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ORDER

This petition has been filed to direct the learned Sessions Judge/Principal Special Court for Trial Cases under POCSO Act, Madurai to consider the bail application to be filed by the petitioner/A2 on the same day in Crime No.17 of 2022 pending on the file of the second respondent police.

2. The petitioner is the second accused in Crime No.17 of 2022, on the file of the second respondent for the offences punishable under Sections 7 and 8 of Protection of Child for Sexual Offences Act, 2012 and Sections 3(1)(w)(i) and 3(1)(r) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Mr.A.Albert James, learned Government Advocate (Crl. side) accepts notice for the respondents 1 and 2. He submits that the injured was discharged from the hospital and no previous case is pending against the petitioner.

4. Considering the facts and circumstances of the case and also taking into consideration the submission of the learned Government



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Advocate (Crl. side) this Court is inclined to allow the petition, as per the following conditions:-

1)The petitioner shall appear before the learned Sessions Judge/Principal Special Court for Trial Cases under POCSO Act, Madurai, within a period of fifteen days from the date of receipt of a copy of this order.

2)On such surrender along with notice served to the de-facto complainant, the concerned Judge shall consider the bail applications filed by the petitioner and pass orders on merits on the same day of her surrender, after hearing the de-facto complainant by complying with Section 15A(5) of the Act.

5. Accordingly, this Criminal Original Petition is allowed.

09.09.2022

Index : Yes/No

Internet : Yes/No

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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.



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G.ILANGOVAN. J.

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To

- 1.The Sessions Judge/Principal Special Court for Trial Cases
under POCSO Act, Madurai.
- 2.The Assistant Commissioner of Police,
Thirupparankundram, Madurai.
- 3.The Inspector of Police,
All Women Police Station,
Thirupparankundram,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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