



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 13.09.2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.16399 of 2022

WEB COPY

Karthikeyan

... Petitioner/sole accused

Vs

State Rep.by
The Inspector of Police,
Tenkasi Police Station,
Crime No.346 of 2022

... Respondent/Complainant

For Petitioner : Mr.T.Chandrasekaran, Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.346 of 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 18.06.2022 for the offences punishable under Sections 306 and 376 of IPC and Section 6 read with 5(i) of Protection of Children from Sexual Offences Act,2012 in Crime No.346 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner has sexually abused the victim girl aged 17 years and hence a complaint has been given by the mother of the victim girl and a case in Crime No.346 of 2022 has been registered.

3.On the side of the petitioner it is stated that the petitioner and the victim girl were in love with each other for several years and the same was objected by the girl's family. The petitioner is an innocent and he has not committed any offence as alleged by the prosecution and he is in custody for the past 80 days and pray the petitioner to be released on bail.

4.The learned Additional Public Prosecutor stated that the petitioner is aged about 20 years. Statement under Section 164(3) of Cr.P.C., had been registered. Investigation in this case has been over and pray the petition to be dismissed.



5. Considering the period of incarceration of the petitioner, this Court is inclined to release the petitioner on bail on the following conditions:

6. The petitioner is ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Special Court for POCSO Act Cases, Sessions Judge, Special Court, Tirunelveli, 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) 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]**.

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

sd/-

13/09/2022

/ TRUE COPY /

13/09/2022

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

TO

- 1 THE SPECIAL COURT FOR POCSO ACT CASES, SESSIONS JUDGE, SPECIAL COURT, TIRUNELVELI.
- 2 THE INSPECTOR OF POLICE, TENKASI POLICE STATION, TENKASI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, TIRUNELVELI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.CHANDRASEKARAN, Advocate (SR-9900[I] dated 13/09/2022)

ORDER IN

CRL OP(MD) No.16399 of 2022
Date :13/09/2022

PNN

RS/SBN/SAR.1 (13.09.2022) 2P-6C