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CRL OP(MD). N



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

Date : 16/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.16693 of 2022

V.Dinesh

... Petitioner/Accused

Vs

The State rep.by,
The Inspector of Police,
E1 K.Pudur Police Station,
Madurai District.
Crime No.313 of 2022.

... Respondent/Complainant

For Petitioner : MR.S.Premkumar,
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.313 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 19.08.2022 for the offences punishable under Section 5(i), 5(i)(ii) and 6 of POCSO Act, in crime No.313 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had kidnapped the victim girl and committed sexual assault. Hence, the complaint.

3.The learned counsel for the petitioner would submit that there is a love affair between the petitioner and the victim girl and both family members are decided to conduct marriage of the petitioner and the victim girl. He would further submit that the petitioner is in judicial custody from 19.08.2022, hence he may be granted bail.



4.The learned Additional Public Prosecutor would submit at the time of occurrence, the victim is a minor and now, she is major. He would further submit that the investigation is pending.

5.Considering the submissions made by the learned counsel on either side and also considering the period of incarceration and also the fact that investigation is pending, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and 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 Judicial Magistrate No.VI, Madurai.

(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 on every Sunday 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 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 thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

16/09/2022

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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 JUDICIAL MAGISTRATE NO.VI,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE
E1 K.PUDUR POLICE STATION, MADURAI DISTRICT.

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

+1. CC to M/S. PREMKUMAR S Advocate SR.No.10095.

ORDER

IN

CRL OP(MD) No.16693 of 2022

Date :16/09/2022

SJI

MK/SBN/SAR.IV/16.09.2022/3P/7C