



WEB COPY

CRL OP(MD).N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD).No.17072 of 2022

Saravanan

... Petitioner/Sole Accused

Vs.

The State rep.by,
The Inspector of Police,
All Women Police Station,
Paramakudi,
Ramanathapuram District.
In Crime No.20 of 2022.

... Respondent/Complainant

For Petitioner : Mr.R.L.Dhilipan Pandian,
Advocate.

For Respondent : Mr.M.Vaikam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-For Bail in Crime No.20 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 20.08.2022 for the offences punishable under Sections 354(A)(1)(ii), 506(ii) of IPC and Section 11(1) and 12 of POCSO Act in Crime No.20 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 21.01.2021, the petitioner had committed sexual harassment on the victim girl. Hence the complaint.

3.On the side of the petitioner, it is stated that the victim's father and mother are the accused in Crime No.295 of 2021, dated 14.11.2021. Only as a counter blast, the victim's mother and father instigated this false complaint. The alleged allegation is that the petitioner gave harassment to the victim from 20.11.2021 onwards.

But the present F.I.R. was registered only on 19.08.2022. The delay



in filing the complaint was not stated in the petition. The petitioner is in custody from 20.08.2022 i.e. for the past 40 days and pray the petitioner to be released on bail.

4. On the side of the prosecution, it is stated that the petitioner is in custody for the past 38 days and the victim girl is a minor now.

5. Considering the period of incarceration of the petitioner and considering the fact that major portion of the investigation might have been completed in this case, 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 Fast Track Mahila Court, Ramanathapuram, 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/-

26/09/2022

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26/09/2022

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



TO

1 THE JUDGE,
FAST TRACK MAHILA COURT, RAMANATHAPURAM.

2 THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, PARAMAKUDI,
RAMANATHAPURAM DISTRICT.

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

ORDER

IN

CRL OP(MD) No.17072 of 2022

Date :26/09/2022

vsd

MK/SBN/SAR.II/26.09.2022/3P/5C