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CRL OP(MD). N



22

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

Date : 29/09/2022

PRESENT

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

CRL OP(MD). No.17441 of 2022

Seeniyappa

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Alangudi,
Pudukottai District.
Crime No.1/2022.

... Respondent/Complainant

For Petitioner : M/s.Balakrishnan.R,
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.1 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 10.01.2022 for the offences punishable under Sections 9(f) r/w. Section 10 of the POCSO Amendment Act, 2019 in crime No.1 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner, who is working as a teacher, has sexually tortured the victim girl, aged about 11 years and also threatened her with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence and his name has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 10.01.2022, hence he may be granted bail.

<https://www.mca.gov.in/judis>



4. The learned Additional Public Prosecutor would submit that the petitioner has already detained goondas Act and the same has been revoked on 23.09.2022. He would further submit that investigation has been completed and the charge sheet has also been filed and the same was taken on file as Spl.S.C.No.13 of 2022 before the concerned Court and strongly opposed to grant bail to the petitioner.

5. Considering the submissions made by the learned counsel on either side and also considering the period of incarceration and also the fact that the charge sheet has been filed, 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 Sessions Judge, Mahila Court, Pudukottai,

(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 concerned Court on each and every hearing date without fail;

(iii) The trial Court is directed to dispose of the case within a period of six months from the date of receipt of a copy of this order.

(iv) the petitioner shall not tamper with evidence or witness;

v) the petitioner shall not abscond during trial.

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 thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

29/09/2022

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29/09/2022

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



TO

- 1 THE SESSIONS JUDGE,
MAHILA COURT, PUDUKOTTAI.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, ALANGUDI,
PUDUKOTTAI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE REGISTRAR(JUDICIAL) ,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.17441 of 2022
Date :29/09/2022

TRP
MK/VR/SAR.I/29.09.2022/3P/6C