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CRL OP(MD). N



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

Date : 07/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.18030 of 2022

Saravanan @ Saravanakumar

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Thoothukudi,
Thoothukudi District.
Crime No.209 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Sankara Pandian.J, Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-For Bail in Cr No.209/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who was arrested and remanded judicial custody on 28.08.2022 for the offences punishable under Sections 109 and 366(A) IPC and Section 5(1) r/w 6 of Protection of Children from Sexual offences Act, 2012, in Crime No.209 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 11.03.2022, the petitioner abducted the victim girl and committed penetrative sexual assault on her. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner had a love affair with the victim girl and they lived together for more than five months. He further submits that the petitioner is innocent and he has been falsely implicated in this case and he is in judicial custody from 28.08.2022. Hence, he prays



4.The learned Government Advocate (Criminal Side) appearing for the respondent submits that as per the complaint given by the parents, the victim girl was secured and she is now in the custody of her parents. The investigation is almost completed and the statement of the victim girl under Section 164 of Cr.P.C. was also recorded.

5.Taking into consideration the facts and circumstances of the case and also taking note of the the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi District.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Special Court/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 Wednesday at 10.30 a.m., for a period of three months and thereafter, as and when required for interrogation;

(iii) the petitioner should not have any bad communication with the victim girl;

(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 Special Court/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 Special Court/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-

07/10/2022

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07/10/2022

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, 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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- TO
- 1 THE JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, THOOTHUKUDI DISTRICT.
 - 2 THE OFFICER INCHARGE,
DISTRICT JAIL, PERURANI, THOOTHUKUDI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.18030 of 2022
Date :07/10/2022

SJI/KSA
MK/SBN/SAR.I/07.10.2022/3P/5C