



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

Date : 06/10/2022

PRESENT

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

CRL OP(MD). No.17714 of 2022

Athi Sakthi Guru

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Watrap Police Station,
Virudhunagar District.
Crime No.174 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Subbiah @ Jeyavaradhan.E, Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :-

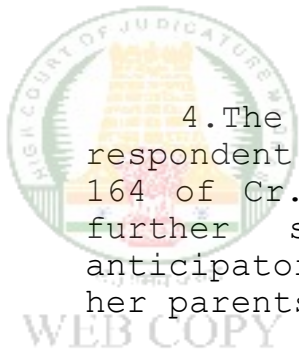
For Bail in Crime No.174 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who was arrested and remanded judicial custody on 25.08.2022 for the offences punishable under Sections 366(A), 294(b), 323 and 506(1) of IPC and Section 4 of TNPHW Act and Section 5(1) r/w 6 of POCSO Act, 2012, in Crime No.174 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner kidnapped the victim girl and committed penetrative sexual assault and abused the victim's grandmother in filthy language and also criminally intimidated her.

3.The learned counsel for the petitioner submits that the petitioner is a close relative of the victim girl and due to some family dispute, the grandmother of the victim girl gave a false complaint against the petitioner and the petitioner is in custody from 25.08.2022. He further submits that the victim girl had a love affair with the petitioner, but the family members refused. Hence, the above said complaint.



4.The learned Additional Public Prosecutor appearing for the respondent submits that the investigation is almost completed and 164 of Cr.P.C., statement of the victim girl is also recorded. He further submits that the co-accused has already obtained anticipatory bail. Now, the victim girl was secured and live with her parents.

5.164 of Cr.P.C., statement reveals that there was some enmity between the grandmother of the victim girl and the petitioner's family and the investigation is almost completed.

6.Taking into consideration the facts and circumstances of the case and also considering the fact that the petitioner is in custody from 25.08.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions.

7.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 Sessions Judge, Special Court Under POCSO Act, 2012, Srivilliputhur.

(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 daily at 10.30 a.m., for a period of two months and thereafter, appear before the trial Court daily 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 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/-

06/10/2022

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06/10/2022

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



TO

1 THE SESSIONS JUDGE,
SPECIAL COURT UNDER POCSO ACT, 2012,
SRIVILLIPUTHUR.

2 THE INSPECTOR OF POLICE
WATRAP POLICE STATION,
VIRUDHUNAGAR DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, MADURAI.

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

+1 CC to M/s.S.MAHALINGAM, Advocate (SR-10923[I] dated 06/10/2022)

ORDER

IN

CRL OP(MD) No.17714 of 2022

Date :06/10/2022

sn/sji

PKP/VR/SAR-4/06.10.2022/3P/6C