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CRL OP(MD). N



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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.17697 of 2022

Ashokkumar ... Petitioner/Sole Accused

Vs

The State Represented by  
The Inspector of Police,  
Tirunelveli Town Police Station,  
Tirunelveli District.  
Crime No.272 of 2018.

... Respondent/Complainant

For Petitioner : M/s.Angusamy V,  
Advocate.

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

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

PRAYER :-

To enlarge the petitioner on bail in Crime No.272 of 2018 on the file of the Respondent Police, now pending as Spl.C.C.No.171 of 2019 on the file of the Special Court for POCSO Act Cases, Tirunelveli.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who is facing a case for the offence under Sections 366 of IPC, 9 of the Child Marriage Restraint Act and 5(1) r/w 6 of the Protection of Children from Sexual Offences Act, 2012 in Spl.C.C.No.171 of 2019 on the file of the Special Court for POCSO Act Cases, Tirunelveli, in Crime No.272 of 2018, on the file of the respondent police, seeks bail.

2.It is seen from the records that since the petitioner has not turned up for the hearing on 26.11.2020, Non-Bailable Warrant (NBW) was issued and that warrant was executed on 10.06.2022 and he is

<https://www.hc.madras.gov.in/judis>



3.The learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor appearing for the respondent strongly opposed this petition stating that Non-Bailable Warrant was issued and the petitioner was arrested on 10.06.2022 and the case is pending for examination of witnesses.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in custody from 10.06.2022, 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 Special Court for POCSO Act cases, Tirunelveli.

(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 trial Court daily at 10.30 a.m., for a period of three months and thereafter as and when required for interrogation;

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

sd/-

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06/10/2022

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

TO

1 THE SPECIAL JUDGE FOR POCSO  
ACT CASES, TIRUNELVELI.

2 THE INSPECTOR OF POLICE  
TIRUNELVELI TOWN POLICE STATION, TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,  
CENTRAL PRISON, PALAYAMKOTTAI.



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

+1 CC to M/s.V.ANGUSAMY, Advocate ( SR-11016[I] dated 06/10/2022 )

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ORDER

IN

CRL OP(MD) No.17697 of 2022

Date :06/10/2022

SS/06/10/2022/ 3P 6C