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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.17857 of 2022

Karuppasamy

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Appayanaickenpatti Police Station,
Virudhunagar District.
Crime No.11 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Sekar S, 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.11 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 judicial custody on 23.02.2022 for the offences punishable under Sections 5(k), 5(1) read with 6 of POCSO Act, 2012, in Crime No.11 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the victim girl is the mentally retarded person. On the date of occurrence, the petitioner had committed penetrative sexual assault on the victim girl several times. Hence, the present complaint.

3.The learned counsel for the petitioner submits that due to some enmity, a false case was foisted against the petitioner. He further submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submit that the investigation has been completed and the charge sheet has already been filed and the same was taken on file in S.C.No.90 of 2022 before the concerned Court.



4.The learned Additional Public Prosecutor appearing as respondent strongly opposed this petition stating that the investigation is almost completed and 164 of Cr.P.C. statement of the victim girl is also recorded.

5.Considering the age of the petitioner and also considering 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 Judge, Special Court for POCSO Act Cases, Virudhunagar at Srivilliputtur.

(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 stay at Salem and sign before the Inspector of Police, Kondalampatty Police Station, Salem daily at 10.30 a.m., for a period of three months and thereafter appear before the respondent police as and when required for interrogation and the petitioner shall not communicate with the victim girl and also co-operate with the trial proceedings without fail.

(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, SPECIAL COURT FOR POCSO ACT CASES,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

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

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.



4 THE INSPECTOR OF POLICE, KONDALAMPATTY POLICE STATION, SAI

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

+1 CC to M/s.S.SEKAR, Advocate (SR-10979[I] dated 06/10/2022)

ORDER

IN

CRL OP(MD) No.17857 of 2022

Date :06/10/2022

SN/SJI

RS/SVR/SAR.4(06.10.2022) 3P-7C