



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.17880 of 2022

Satheeshkumar

... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
Karaikudi All Women Police Station,
Sivagangai District.
Crime No.17/2022.

... Respondent/Complainant

For Petitioner : M/s.Banumathy A,
Advocate.

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

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

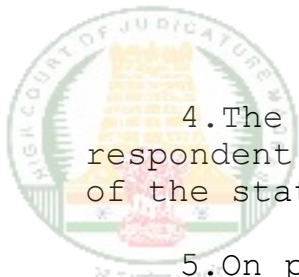
PRAYER :- For Bail in Crime No.17/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested on 13.09.2022 for the offences under Sections 5(1), 5(j)(ii) r/w Section 6 of POCSO Act, 2012 in Cr.No.17 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had committed sexual assault upon the victim girl and as a consequence, the victim girl is nine months pregnant. Based upon which, the present case came to be registered against the petitioner.

3.The learned counsel for the petitioner submitted that the petitioner is the uncle of the victim girl and both of them loved each other and begotten a child also and he has been falsely implicated in this case.



4.The learned Additional Public Prosecutor appearing before the respondent police objected for grant of bail and produced the copy of the statement recorded under Section 164 Cr.P.C.

5.On perusal of the victim girl's statement, it is seen that it is a case of love affair and investigation is almost completed and the petitioner is in judicial custody from 13.09.2022, this Court is inclined to grant bail 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 Sessions Judge, Special Court for Exclusive Trial of Cases under the POCSO Act, 2012, Sivagangai.

(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 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/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/-

06/10/2022

/ TRUE COPY /

06/10/2022

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 pandemic, 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.



TO

- 1 THE SESSIONS JUDGE
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER THE POCSO ACT, 2012, SIVAGANGAI.
 - 2 THE OFFICER INCHARGE
SUB JAIL, THIRUPPATHUR, SIVAGANGAI DISTRICT
 - 3 THE INSPECTOR OF POLICE
KARAIKUDI ALL WOMEN POLICE STATION,
SIVAGANGAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.BANUMATHY A Advocate SR.No.10991

ORDER

IN

CRL OP(MD) No.17880 of 2022
Date :06/10/2022

SJI

SA/VR/SAR IV/24.09.2022/ 3P/ 6C