



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

Date : 07/10/2022

PRESENT

WEB COPY

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

CRL OP(MD). No.17983 of 2022

Karnan

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
All Women Police Station,
Melur, Madurai District.
(Crime No.24/2022).

... Respondent/Complainant

For Petitioner : M/s.Santhanam Rajesh Kumar B,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.24/2022 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 21.08.2022 for the offences punishable under Sections 7 and 8 of POCSO Act, 2012, in Crime No.24 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the victim, who was aged about 13 years, was sexually assaulted by the petitioner. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. Since because the de-facto complainant, the mother of the victim misappropriate the amount, against which, the petitioner gave a complaint. Aggrieved that, he was falsely implicated in this case. The petitioner is in judicial custody for more than 40 days and hence, he prays for bail.



4.The learned Government Advocate (Criminal Side) appearing for the respondent raised objections stating that the minor girl was harassed by the petitioner.

5.On seeing the FIR, the allegation against the petitioner is that he attempted to kiss and hug the minor victim girl. The statement under Section 164 of Cr.P.C. of the victim girl was also recorded. It is also seen that the petitioner's counsel also enclosed the petitioner's account details with regard to the alleged misappropriation said to be committed by the de-facto complainant in this case and there is some misunderstanding between the de-facto complainant and the petitioner. The investigation of the case is almost completed.

6.Taking into consideration the facts and circumstances of the case and also taking note of the period of incarceration, 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 Special Court for Exclusive Trial of Cases under the POCSO Act, 2012, Madurai.

(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 two 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/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

/ TRUE COPY /

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 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 SPECIAL JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER THE POCSO ACT 2012,
MADURAI.
2. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MELUR, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.17983 of 2022

Date : 07/10/2022

sj i

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