



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.18042 of 2022

Karthik

... Petitioner/Petitioner/
Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
Nagamalaipudukottai Police Station,
Madurai District.
(Cr No.191/2022).

... Respondent/Respondent/
Complainant

For Petitioner : Mr.Sathya Chidambaram S,
Advocate.

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

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

PRAYER :-

For Bail in Cr No.191/2022 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 22.08.2022 for the offences punishable under Sections 366 of IPC and Sections 5(1) and 6 of Protection of Children from Sexual Abuses Act, 2012 in Crime No.191 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is the mother of the victim girl, namely, Alagudevi, aged about 16 years. The victim girl on 15.06.2022 along with her parents came to the police station and gave a statement, stating that she had acquainted with the petitioner through face book and on 24.04.2022, the petitioner came to the house of the defacto complainant and had intercourse with the victim girl. Hence the case came to be registered.



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

4.The learned Government Advocate(Crl.side) appearing for the respondent submits that the girl is minor and a statement under Section 164 of Cr.P.C., is recorded. The girl is now under the care of the parents and investigation is almost completed.

5.Taking into consideration the facts and circumstances of the case and also considering the fact that the investigation is almost completed and also taking into consideration 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 Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/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 Tuesday at 10.30 a.m., for a period of twelve weeks and thereafter as and when required for interrogation and also co-operate for the trial proceedings;

(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 Magistrate/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 Magistrate/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

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07/10/2022

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



TO

1. THE SESSIONS JUDGE,
PRINCIPAL SPECIAL COURT FOR EXCLUSIVE TRIAL OF
CASES UNDER POCSO ACT,
MADURAI.

2. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3. THE INSPECTOR OF POLICE
NAGAMALAIPUDUKOTTAI POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.S.SATHYACHIDAMBARAM, Advocate (SR-11059[I] dated
07/10/2022)

ORDER

IN

CRL OP(MD) No.18042 of 2022

Date :07/10/2022

myr/ta

USK/SBN/SAR-I/07.10.2022/3P/6C