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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/10/2022

PRESENT

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

CRL OP(MD). No.18058 of 2022

Sakthivel

... Petitioner/sole Accused

Vs

The State rep.by,
The Inspector of Police,
Palayanoor Police Station,
Sivagangai District.
(Crime No.24/2022)..

... Respondent/Complainant

For Petitioner : M/s.Sivabalan K,
Advocate.

For Respondent : Mr.Nambi Selvan,
Additional Public Prosecutor

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 15.06.2022 for the offences punishable under Sections 341 of IPC and Sections 7 and 8 of the Protection of Children from Sexual Offences Act, in Crime No.24 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 13.06.2022, when the defacto complainant's daughter went to fetch water in the public tap, the petitioner had teased and touched the private part of the defacto complainant's daughter. Hence, the complaint.

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. He further submits that the petitioner has been falsely implicated in this case.



4.The learned Additional Public Prosecutor appearing as respondent submits that investigation is yet to be completed.

5. Considering the facts and circumstances of the case and the nature of the offence as alleged by the prosecution and the fact that the petitioner is aged about 52 years, this Court is inclined to grant bail to the petitioner.

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 for a like sum to the satisfaction of the learned Sessions Judge, Special Court For Exclusive Trial of Cases under the PocsO Act, Sivagangai.

(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 daily at 10.30 a.m., for a period of three months and the petitioner shall not communicate with the minor girl.

(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/-

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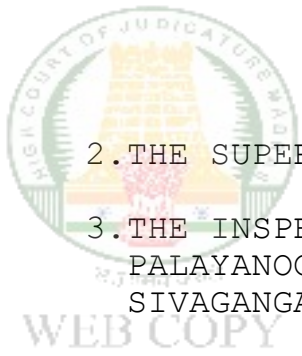
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB/VJI

TO

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

<https://www.mhc.tn.gov.in/judis>



2.THE SUPERINTENDENT, CENTRAL JAIL, MADURAI.

3.THE INSPECTOR OF POLICE,
PALAYANOOR POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.K.SIVABALAN, Advocate (SR-11080[I] dated 07/10/2022)

ORDER

IN

CRL OP(MD) No.18058 of 2022

Date :07/10/2022

RK/SBN/SAR-1 (07/10/2022) 3P/6C