



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14.10.2022
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.18289 of 2022

Thalaimalai

... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar District.
Crime No.13 of 2022

... Respondent/Complainant

For Petitioner : Mr.R.MURUGAPPAN
Advocate.

For Respondent : Mr.VAIKKAM KARUNANITHI
Government Advocate

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

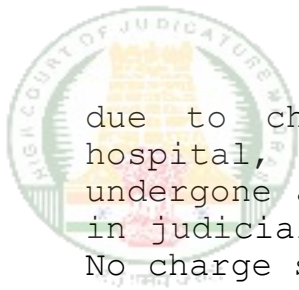
PRAYER :- For Bail in Crime No.13 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 18.06.2022 for the offences punishable under Sections 5(j)(ii) read with 6 of POCSO Act, 2012 in Crime No.13 of 2022, on the file of the respondent police, seeks bail.

2.The petitioner deceived the victim by giving false promise. The case of the prosecution is that when the victim went to the house of the accused, he made sweet coated words and had committed aggravated penetrative sexual assault against the victim, due to which she become pregnant, hence the case came to be registered.

3.The learned counsel for the petitioner would submit that no such occurrence had taken place as alleged by the prosecution. He would further submit that the victim is the friend of the petitioner's sister and both the victim and the petitioner loved each other for the past five years and on the date of occurrence, knowing well that there was nobody else in the house, the victim herself went to the house of the accused and they had sexual relationship and thereafter the victim came back to her house. Only



due to chest pain she consumed pesticide and was admitted in hospital, wherein it was found out that she was pregnant and undergone abortion. He would further submit that the petitioner is in judicial custody from 18.06.2022, that is for the past 110 days. No charge sheet was filed and hence he seeks statutory bail.

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4.The learned Additional Public Prosecutor would submit that the victim is a heart patient. The accused, on false promise of marrying the victim, had sexual relationship with her on several occasions. After few days, the victim consumed pesticide and only when she was taken to hospital, it came to light that she was pregnant. As per the advise of the doctor, her pregnancy was aborted as she was having some medical issues. 164 Cr.P.C. statement of the victim was also recorded.

5.The victim girl in her statement recorded under Section 164 of Cr.P.C., clearly stated that the petitioner had sexual intercourse with her on several occasions and thereafter refused to marry her. Due to which she became pregnant and later it was aborted. The charge sheet is not yet filed, pending DNA test report. The earlier petition was dismissed on 14.09.2022 and there is no change of circumstance and prayed the petition to be dismissed.

6.Considering the facts and circumstances of the case and considering the fact that the petitioner is in custody for the past 110 days and considering the fact that charge sheet was not yet filed, this Court is inclined to release the petitioner on bail on the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Special Judge for Exclusive Trial of Cases under POCSO Act, Virudhunagar District at Srivilliputhur, and on further conditions that:

(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., 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 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



(vi) If the accused / petitioner thereafter abscond, a : [R
can be registered under Section 229A IPC.

sd/-
14/10/2022

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14/10/2022

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

TO

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

+1. CC to M/S.MURUGAPPAN R Advocate SR.No.11389

ORDER

IN

CRL OP(MD) No.18289 of 2022
Date :14/10/2022

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SA/SBN/SAR. /14.10.2022/3P/6C