



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.18511 of 2022

Givinthakannan

... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District
(Crime No.185 of 2022).

... Respondent/Complainant

For Petitioner : M/s.APPAJI.C.K.M., Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.185 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/Accused No.3, who was arrested and remanded to judicial custody on 14.08.2022 for the offences punishable under Section 363 of IPC @ Section 366 of IPC and Section 8 r/w 7 of Protection of Children from Sexual Offences Act, 2012, in Crime No.185 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 10.08.2022, when the victim girl was alone in her house, the petitioner along with other accused came there and kidnapped the victim girl and thereafter, they had committed sexual assault on the victim girl. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is not at all present in the place of occurrence. He is an innocent person and he did not commit any offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody from 14.08.2022. Hence, he may be granted bail.

4.The learned Additional Public Prosecutor appearing for the respondent police strongly opposed for grant of bail to the



petitioner on the ground that the petitioner and other accused had committed sexual assault on the victim girl and the petitioner earlier moved an bail application in Crl.O.P(MD) No.16241 of 2022 and the same was dismissed on 16.09.2022. He would further submit that the statement of the victim girl has been recorded under Section 164 Cr.P.C and the co-accused were released on bail by the Sessions Court, Special Court for POCSO Act, Tirunelveli and the major part of the investigation is over.

5.Considering the facts and circumstances of the case and considering the period of incarceration and also the facts that co-accused were released on bail by the Sessions Court and major part of the investigation is over, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, this Criminal Original Petition is allowed and 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 Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli.

(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 Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-

18/10/2022

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18/10/2022

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

TO

1 THE SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES, TIRUNELVELI.

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



2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYANKOTTAI.

3 THE INSPECTOR OF POLICE,
VEERAVANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.APPAJI C.K.M. Advocate SR.No.11610

ORDER

IN

CRL OP(MD) No.18511 of 2022
Date :18/10/2022

cp
SA/SBN/SAR. /18.10.2022/3P/6C