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CRL OP(MD). N



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

Date : 19/10/2022

PRESENT

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

CRL OP(MD). No.18718 of 2022

Vairam

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
All Women Police Station, Keeranur,
Pudukkottai District.
Cr.No.29/22.

... Respondent/Complainant

For Petitioner : M/s.Benazir Begum 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. 29/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 20.09.2022 for the offences punishable under Sections 5(f), 5(1), 5(m) r/w 6(i) of POCSO Amendment Act 2019 and 75 of Juvenile Justice Act (Need Care and Protection Act) 2015, in Crime No.29 of 2022, on the file of the respondent police, seeks bail.

2.The earlier bail petition filed by the petitioner was dismissed by this Court on 06.10.2022, considering the gravity of offence and the fact that the statement under Section 164 Cr.P.C was not recorded from the victim.

3.Now, the petitioner has filed this second bail petition, on the ground that the statement under Section 164 Cr.P.C was recorded from the victim. The petitioner is in custody from 20.09.2022. Hence, prays to enlarge him on anticipatory bail.

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4. On the side of prosecution, it is stated that in this case, there are three accused involved. The petitioner is arrayed as A3. It is stated that A3 used to leave the school under the custody of A1. Due to the carelessness of the petitioner, this occurrence took place. A1 and A2 are still in custody. Though, this is a second bail petition, there is no change in circumstances, hence, prays to dismiss the petition.

5. Considering the facts and circumstances of the case, considering the overt act attributed against the petitioner, though this is the second petition filed by the petitioner, the co-accused A1, A2 are still in custody and there is no change in circumstances, this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
19/10/2022

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/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KEERANUR,
PUDUKKOTTAI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.18718 of 2022
Date :19/10/2022

PNM
RS/SBN/SAR. (27.10.2022) 2P-4C

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