



WEB COPY

CRL OP(MD) N



22

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.18631 of 2022

Prabakaran @ Prabu

... Petitioner/Sole Accused

Vs

State.Rep.by
The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District. Cr.No.174/22.

... Respondent/Complainant

For Petitioner : M/s.Arunraj K,

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

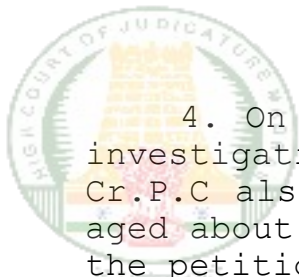
C-58B. For Bail in Crime No. 174/22 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 05.08.2022 for the alleged offence under Sections 4 NON Act and 5(1)r/w Section 6 of POCSO Act 2012, in Crime No.174 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 22.09.2022, on considering the gravity of the offence and nascent stage of investigation.

3.Now, the petitioner has filed this second bail petition on the ground that in this case, statement under Section 164 Cr.P.C was recorded from the victim and the investigation is almost completed. The petitioner is in custody from 29.07.2022. Hence, prays to release the petitioner on bail.



4. On the side of prosecution, it is stated that in the investigation is almost completed. Statement under Section 164 Cr.P.C also recorded and awaiting for RFSL Report. The victim was aged about 15+ years at the time of occurrence and prayed to dismiss the petition.

WEB COPY

5. Considering the submissions made by both sides and considering the fact that the investigation is almost completed, the fact of love affair and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner on certain 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 Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Sivagangai.

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Judge/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner shall appear before the respondent Police daily at 10:30am, 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 Judge/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 Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

19/10/2022

/ TRUE COPY /

19/10/2022

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

TO

1. The Chief Judicial Magistrate, Sivagangai

2. The Sessions Judge,
Special Court for Exclusive Trial of Cases
under POCSO Act, Sivagangai.



3. The Superintendent, Sub Jail, Sivagangai.

4. The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.ARUNRAJ, Advocate (SR-11665[I] dated 19/10/2022)

ORDER

IN

CRL OP(MD) No.18631 of 2022

Date :19/10/2022

AMS(19.10.2022) 3P 7C