



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.18581 of 2022

Muthuselvi

... Petitioner/Accused No.2

Vs

The State re.by
The Inspector of Police,
All Women Police Station,
Theni District.
Crime No.38 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Vadivel A, 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. 38 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

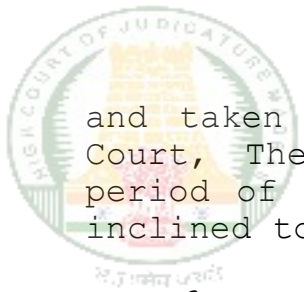
The petitioner/Accused herein, who was arrested on 14.06.2022 for the offences punishable under Sections 16, 17, 21(1), 6 of POCSO Act, 2012 in Crime No.38 of 2022 on the file of the respondent police, seeks bail.

2.The earlier bail petition filed by the petitioner was dismissed by this Court on 21.09.2022, on considering the gravity of the offence.

3.Now, the petitioner has filed this second bail petition on the ground that in this case, charge sheet was filed. The petitioner is in custody from 14.06.2022. Hence, prays to release the petitioner on bail.

4. On the side of prosecution, it is stated that in this case charge sheet was filed and taken on file and the same was committed as S.C.No.141 of 2022, on the file of Mahila Court, Theni. Though, this is the second bail petition, there is no change in circumstances. Hence, raised his strong objection to release the petitioner on bail.

5.Considering the submissions made by both sides and facts and circumstances, considering the fact that the charge sheet was filed



and taken on file as S.C.No.141 of 2022, on the file c la Court, Theni and also considering second bail petition and 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, Mahalir Neethimandram, Fast Track Mahila Court, Theni.

(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 appear before the concerned Court on all hearings without fail;

(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].

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 SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM, FAST TRACK MAHILA COURT, THENI.

2 THE OFFICER INCHARGE
SUB JAIL, NILAKKOTTAI, DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THENI DISTRICT.

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

+1. CC to M/S.VADIVEL A Advocate SR.No.11621

ORDER IN

CRL OP(MD) No.18581 of 2022

Date :19/10/2022

PNM

SA/SBN/SAR. /19.10.2022/2P/6C

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