



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

Date : 20/10/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.18752 of 2022

Ramesh

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
Alangudi All Women Police Station,
Pudukottai District.
(Crime No.10 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Murugesan D.R.,
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.10 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 26.07.2022 for the offences punishable under Section 11(iv) r/w 12 of POCSO Amendment Act, 2019 and 506(i) IPC, in Crime No.10 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant is the mother of the victim girl. The petitioner harassed the victim girl, who is aged about 14 years to get marriage with him and also threatened the de-facto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that this is the petitioner's second bail application and the earlier application was dismissed by this Court in Crl.O.P.(MD)No.17309 of 2022, dated 28.09.2022. Due to the panchayat election dispute, a false case was foisted against the petitioner. He would further submit that the petitioner is having physical ailment and taking



treatment periodically from the local doctor and during the period of incarceration also he was undergone medical treatment. He would further submit that the petitioner is in judicial custody from 26.07.2022 and hence, he prays for bail.

4.The learned Additional Public Prosecutor strongly opposed this petition stating that the victim girl is aged about 14 years and the petitioner is aged about 33 years and the petitioner repeatedly trying to give love letter to the victim girl and also harassed her. The statement of the victim girl under Section 164 of Cr.P.C., is also recorded and the major part of the investigation is almost over.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the fact that the major part of the investigation is almost over, 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 learned Sessions Judge, Mahila Court, Pudukottai.

(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 stay at Pattukottai and report before the Inspector of Police, Pattukottai Town Police Station, Thanjavur, 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/-

20/10/2022

/ TRUE COPY /

20/10/2022

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



TO

1. THE SESSIONS JUDGE,
MAHILA COURT, PUDUKKOTTAI.
2. THE OFFICER-INCHARGE,
SUB-JAIL, PUDUKKOTTAI.
3. THE INSPECTOR OF POLICE
ALANGUDI ALL WOMEN POLICE STATION,
PUDUKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE INSPECTOR OF POLICE,
PATTUKOTTAI TOWN POLICE STATION,
THANJAVUR.

+1 CC to M/s.D.R.MURUGESAN, Advocate (SR-11741[I] dated
20/10/2022)

ORDER

IN

CRL OP(MD) No.18752 of 2022

Date :20/10/2022

sj i

USK/SBN/SAR- /20.10.2022/3P/7C