



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/11/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.19048 of 2022

Maruthupandi,

... Petitioner/Accused

Vs

The Inspector of Police,
Manikandam Police Station, Trichy
District. Cr.No.140/22.

... Respondent/Complainant

For Petitioner : Mrs.ABanumathy
Advocate.

For Respondent : Mr.M. Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 140/2022 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 13.09.2022 for the offences punishable under Sections 5(1) r/w 6(1) of POCSO Act, 2012, in Crime No.140 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner/accused had developed intimacy with school going child and committed penetrative sexual assault against her. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody from 13.09.2022, hence, he may be released on bail.

4.The learned Government Advocate (criminal side) submitted that the statement under Section 164 Cr.P.C. of the victim girl is recorded and the major part of the investigation is already over.



Considering the gravity of the offence, he strongly opposed it bail.

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 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, Tiruchirapalli.

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Sessions Judge/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 on 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 Sessions Judge/concerned 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 Sessions Judge/concerned Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560].

sd/-
03/11/2022

/ TRUE COPY /

07/11/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. The Learned Sessions Judge, Mahila Court, Tiruchirapalli.

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



2.The Superintendent, Central Prison, Trichy.

3. The Inspector of Police,
Manikandam Police Station, Trichy
District.

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

+1CC to Mr.A.Banumathy, Sr.No. 12409 dated 04/11/2022

CRL OP(MD) No.19048 of 2022

Date :03/11/2022

MK/VR(07.11.2022) 3P 6C