



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01/11/2022

PRESENT

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

CRL OP(MD). No.19066 of 2022

Kaviyarasu @ Kaviyarasan

... Petitioner/Accused-3

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Karaikudi, Sivagangai District.
Cr.No.35/2022.

... Respondent/Complainant

For Petitioner : M/s.Thisai Indiran V, 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.35/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 28.08.2022 for the offences punishable under Section 5(1) r/w 6 and 17 of the Protection of Children from Sexual Offences Act, in Crime No.35 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that A1 had sexually assaulted the victim girl and A2 also had sexually assaulted one another victim girl with the help of this petitioner/A3. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that A2 was already released on bail by the Juvenile Justice Board and the petitioner is in judicial custody from 28.08.2022, hence he may be released on bail.

4.The learned Additional Public Prosecutor submitted that the statement under Section 164 Cr.P.C. of the victim girl is recorded and the medication examination is already completed. He would further submit that A1 was already arrested and still in judicial custody and the investigation is completed. Considering the gravity of the offence, he strongly opposed to grant bail.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the fact that



investigation is completed, this Court is inclined to grant 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 Court, Special Court for the Exclusive Trial of POCSO Act Cases, Sivagangai.

(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 every Sunday 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/-

01/11/2022

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01/11/2022

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

TO

1 THE SESSIONS JUDGE,
SPECIAL COURT FOR THE EXCLUSIVE TRIAL OF POCSO ACT CASES,
SIVAGANGAI.

2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KARAIKUDI, SIVAGANGAI DISTRICT.

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

+1. CC to M/S.THISAI INDIRAN V Advocate SR.No.12211

ORDER IN

CRL OP(MD) No.19066 of 2022

Date :01/11/2022

SJI

SA/VR/SAR. /01.11.2022/2P/6C

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