



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 31/10/2022
PRESENT

WEB COPY

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

CRL OP(MD). No.19202 of 2022

Mayakrishnan @ Suthankumar ... Petitioners/Accused

Vs

The State rep.by
The Inspector of Police,
Kalayarkovil Police Station,
Sivagnagai District.
Cr.No.240/2022.

... Respondent/Complainant

For Petitioner : M/s. Asaithambi.S.,
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.240/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 29.09.2022 for the offences punishable under Sections 294(b) of IPC and Section 4 of the TamilNadu Prohibition of Women Harassment Act and Section 11(ii) r/w Section 12, Section 9(m), 9(g), 9(u) r/w Section 10 of POCSO Act, 2012, in crime No.240 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 06.08.2022, when the victim boy was returning home after finishing his tuition, the petitioner along with other accused joined together at the premises of the Mariyamman Temple and removed the dress of the victim boy and threatened him to go around the temple 10 times and took video of the same in their cell phone. Hence, the present case came to be registered against the accused.

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 the petitioner is in judicial custody from 29.09.2022 and co-accused/A5 was granted anticipatory



bail by this Court. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor has strongly opposed to grant bail to the petitioner considering the gravity of the offence. Charge sheet was filed. A5 was granted anticipatory bail by this Court.

5.Considering the period of incarceration and also considering the facts that charge sheet was filed and the co-accused was released on bail, 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, 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 Magistrate/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 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/-

31/10/2022

/ TRUE COPY /

31/10/2022

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

2 THE OFFICER INCHARGE
SUB JAIL, SIVAGANGAI.

3 THE INSPECTOR OF POLICE,
KALAYARKOVIL POLICE STATION,
SIVAGNAGAI DISTRICT.

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

+1. CC to M/S. ASAITHAMBI.S. Advocate SR.No.12124

ORDER

IN

CRL OP(MD) No.19202 of 2022

Date :31/10/2022

DSS

SA/SBN/SAR.1/31.10.2022/3P/6C