



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

Date : 07/11/2022

PRESENT

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

CRL OP(MD) . No.19566 of 2022

Vairam

... Petitioner/Accused No.3

Vs

The State Rep. By,
The Inspector of Police,
All Women Police Station,
Keeranur, Pudukottai District.
(Crime No.29 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Jeyakumaran J,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Government Advocate (Crl.Side)

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

PRAYER :-

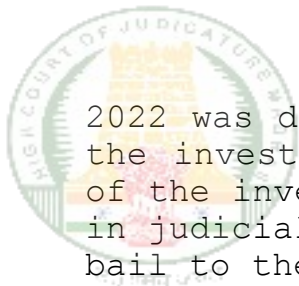
For Bail in Crime No.29 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.3, who was arrested and remanded to judicial custody on 25.09.2022 for the offences punishable under Sections 5(f), 5(1), 5(m) r/w 6(i) of POCSO Amendment Act, 2019 and 75 of Juvenile Justice Act (Need Care and Protection Act), in crime No.29 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the victim girl is aged about 4 years old and she was attending Palvadi in her village. The petitioner herein is a Anganwadi Teacher, Vennamuthupatti. A2 namely, Annakodi is the Palvadi worker. A1 is the husband of A2. A1 committed sexual assault upon the victim girl. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case. He would further submit that this the second bail application. Earlier application filed by the petitioner in Crl.OP(MD)No.17850 of



2022 was dismissed by this Court, on 06.10.2022, on the ground that the investigation is still pending. By this time, the most portion of the investigation might have been completed and the petitioner is in judicial custody from 25.09.2022 and hence, he prays for grant of bail to the petitioner.

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4. The learned Additional Public Prosecutor would submit that the investigation is completed. However, considering the gravity of the offence, he strongly opposed to grant bail to the petitioner.

5. Considering the period of incarceration and also considering the fact that the investigation is completed, 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 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/-

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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 SESSIONS JUDGE,
MAHILA COURT, PUDUKKOTTAI.
2. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
3. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KEERANUR,
PUDUKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.J.JEYAKUMARAN, Advocate (SR-12509[I] dated
07/11/2022)

ORDER
IN
CRL OP(MD) No.19566 of 2022
Date :07/11/2022

dss
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