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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/11/2022
PRESENT

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

CRL OP(MD) . No.19569 of 2022

Sankar

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Elayangudi Police Station,
Sivagangai District.
(Crime No.403 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Vikram S,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

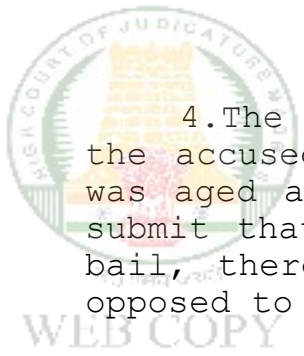
PRAYER :- For Bail in Crime No.403 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 01.10.2022 for the offences punishable under Sections 11(1), 11(4) and 12 of POCSO Act, 2012, in crime No.403 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the accused persons continuously harassed the de-facto complainant's daughter, while going to school. The same was informed to 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, dated 19.10.2022 in CrI.O.P.(MD)No.18714 of 2022.He would further submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that A2 and A3 were already granted bail by the trial Court and he is in judicial custody from 01.10.2022, hence, he may be released on bail.



4.The learned Additional Public Prosecutor would submit at the accused persons used to stalking and harassed the victim, who was aged about 17 years, while going to school. He would further submit that the investigation is completed. If he is released on bail, there is every likelihood of absconding. Hence, he strongly opposed to grant bail to him.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the facts that the co-accused were already granted bail by the trial Court and 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 Special Court for POCSO Act Cases, Sivagangai.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Special 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 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 Special 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 Special 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].

vi)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

07/11/2022

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07/11/2022

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



TO

- 1 THE JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
SIVAGANGAI.
- 2 THE OFFICER INCHARGE
DISTRICT PRISON, SIVAGANGAI.
- 3 THE INSPECTOR OF POLICE,
ELAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.VIKRAM S Advocate SR.No.12495

**ORDER
IN**

CRL OP(MD) No.19569 of 2022
Date :07/11/2022

SJI
SA/VR/SAR. /07.11.2022/3P/6C