



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/11/2022

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PRESENT

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

CRL OP(MD). No.19485 of 2022

Kaja Mydeen

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Sankarankovil,
Tenkasi District.
(Crime No.17 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Karuppasamy Pandiyan G,
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.17 of 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 11.10.2022 for the offences punishable under Sections 8, 7, 12, 11(1), 11(4), 11(5) of POCSO Act, under Section 294(b), 323, 506(i) IPC and Under Section 4 of TNPHW Act, in crime No.17 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the victim was standing in front of the shop, the petitioner herein has abused the her by using profane language and also threatened her with dire consequences. 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 and his name has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 11.10.2022 and hence, he may be granted bail.



4. The learned Government Advocate (Crl. Side) would submit that the petitioner herein has abused the victim, who is aged about 15 years, by using profane language and the three witnesses have been examined and he strongly opposed to grant bail to the petitioner.

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5. Considering the facts and circumstances of the case and also considering the period of incarceration, 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 Session Judge Special Court for POCSO Act Cases, Tirunelveli;

(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) After releasing on bail, the petitioner must file an undertaking affidavit stating that he will not indulge this kind of offence in future before the concerned Magistrate Court and send another copy to the concerned Police Station.

(iii) If any violation is noticed after filing undertaking affidavit, bail granted by this Court, shall stand automatically cancelled without reference to this Court.

(iv) the petitioner appear before the respondent police daily at 10.30 a.m., until further orders;

(v) the petitioner shall not tamper with evidence or witness;

(vi) the petitioner shall not abscond during trial.

(vii) 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].

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

sd/-

04/11/2022

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04/11/2022

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



TO

1 THE SESSION JUDGE, SPECIAL COURT FOR POCSO ACT CASES, TIRUNELVELI.

2 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, SANKARANKOVIL,
TENKASI DISTRICT.

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

+1 CC to M/s.G.KARUPPASAMY PANDIYAN, Advocate (SR-12461[I] dated
04/11/2022)

ORDER

IN

CRL OP(MD) No.19485 of 2022

Date :04/11/2022

TRP

RS/SBN/SAR.(04.11.2022) 3P-6C