



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

PRESENT

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

CRL OP(MD). No.19989 of 2022

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Selvendiran

... Petitioner/Sole Accused

Vs

State Rep.by  
The Inspector of Police,  
Cumbum North Police Station,  
Cumbum, Theni District.  
Crime No.230 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Gunasekaran P, 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.230 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 27.07.2022 for the offences punishable under Section 506(i) of IPC and Section 6 of POCSO Act, 2012 in Crime No.230 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 27.07.2022, the petitioner herein subjected the minor son of the defacto complainant, who was aged about 12 years to oral sex. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner and the defacto complainant are neighbours and there is dispute with regard to pathway pending between them, due to same, a false has been foisted against the petitioner. He would further submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. Further the petitioner is in judicial custody from 27.07.2022. Hence, he may be granted bail.

4.The learned Additional Public Prosecutor appearing for the respondent police strongly opposed for grant of bail to the petitioner stating that the petitioner had subjected the victim boy to oral sex and the age of the victim was only 12 years at the time of occurrence. He would further submit that in the statement



recorded under Section 164 Cr.P.C., the victim boy has informed the petitioner. Further, investigation in this case has been completed and the charge sheet has also been filed before the Fast Track Mahila Court, Theni and the same was taken on file as Special S.C.No.154 of 2022.

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5.Considering the facts and circumstances of the case and considering the period of incarceration and also the fact that investigation in this case has been completed and the charge sheet has already filed before the Fast Track Mahila Court, Theni, and the same was taken on file as Special S.C.No.154 of 2022, 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 Mahalir Needhi Mandaram Fast Track Mahila Court, Theni, Theni District.

(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 petitioners shall report before the concerned trial Court on each and every hearing without fail;

(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/-

11/11/2022

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11/11/2022

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

To

1 THE MAHALIR NEETHI MANDRAM, FAST TRACK MAHILA COURT, THENI, THENI DISTRICT.

2 THE OFFICER INCHARGE, SUB JAIL, UTHAMAPALAYAM, THENI DISTRICT.

3 THE INSPECTOR OF POLICE, CUMBUM NORTH POLICE STATION, CUMBUM, THENI DISTRICT.



CRL OP(MD). N



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

ORDER IN  
CRL OP (MD) No.19989 of 2022  
Date :11/11/2022

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RS/BUC/SAR. (11.11.2022) 3P-5C