



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/11/2022

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PRESENT

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

CRL OP(MD) . Nos.20138 and 19708 of 2022

Abusneesar Beer Mydeen

... Petitioner/Accused No.1
in Crl.O.P.(MD)No.20138 of 2022

1 Thangamuthu
2 Ramachandran

... Petitioners/Accused Nos.4 & 5
in Crl.O.P.(MD)No.19708 of 2022

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Sankarankovil,
Tenkasi District.
Crime No.17/2022.

... Respondent/Complainant
in both petitions

In both petitions:-

For Petitioner : M/s.Karthick R J,
Advocate.

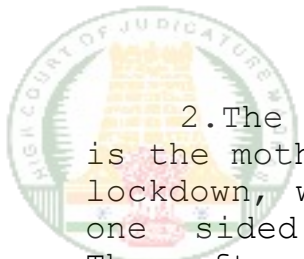
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

COMMON PRAYER :-For Bail in Crime No.17 of 2022 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioner/A1 was arrested and remanded to judicial custody on 11.10.2022 and the petitioners/A4 & A5 were arrested and remanded to judicial custody on 16.10.2022 for the offences punishable under Sections 8, 7, 12, 11(1), 11(4) and 11(5) of Protection of Children from Sexual offences Act, 2012, Sections 294(b), 323 and 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in crime No.17 of 2022 on the file of the respondent police, seek bail.



2.The case of the prosecution is that the de-facto complainant is the mother of the victim girl, who is aged about 15 years. During lockdown, when the victim girl was working in a fancy store, A1 had one sided love with the victim girl and pulled her hand. Thereafter, the victim girl had fallen in love with A2, who is the friend of A1. A2 informed about the love affair of the victim girl to A1 and A3. On 09.10.2022, A1 and A3 abused the victim girl and threatened to publish the photographs of the victim girl with the second accused. On knowing the same, the de-facto complainant warned the third accused. Due to which, A4 and A5 came to the de-facto complainant's house, abused her in filthy language and assaulted her and also threatened her. Hence, the complaint.

3.The learned counsel for the petitioners would submit that A2 and the victim girl had loved with each other and A1 is the friend of the A2 and A4 and A5 are the friend of A1 and the petitioners are innocents and they have been falsely implicated in this case and they are in judicial custody from 11.10.2022 and 16.10.2022. He would further submit that A3 was already released on bail by this Court in Crl.O.P.(MD)No.19485 of 2022, dated 04.11.2022. Hence, he prays for bail.

4.The learned Additional Public Prosecutor would submit that the petitioners had committed sexual torture on the victim girl, who is aged about 15 years and under Section 164 of Cr.P.C. statement of the victim girl is also recorded. He would further submit that six witnesses have been examined and hence, he strongly opposed to grant bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the facts that six witnesses have already been examined and A3 was already released on bail, this Court is inclined to grant bail to the petitioners on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Sankarankovil.

(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 respondent police daily at 10.30 a.m., until further orders;

(iii)the petitioners shall not tamper with evidence or witness;



iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

15/11/2022

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15/11/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE,
SANKARANKOVIL.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL JAIL, PALAYAMKOTTAI, TIRUNELVELI
- 4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SANKARANKOVIL,
TENKASI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.20138 & 19078
of 2022

Date :15/11/2022

SJI

RS/TR/SAR.IV/15.11.2022/3P/6C