



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/11/2022
PRESENT

WEB COPY

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

CRL OP(MD) . No.20461 of 2022

Kanagaraj Samuel

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Alangulam.
(Crime No.34/2022)

... Respondent/Complainant

For Petitioner : Mr.Karuppasamy Pandiyan.G,
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 Cr No.34/2022 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 11.10.2022 for the offences punishable under Sections 7 and 8 of POCSO Act, 2012 in Crime No.34 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was running a grocery shop. On 10.10.2022, the victim girl, who is aged about 17 years had gone to that shop to buy an ice cream. At that time, the petitioner sexually assaulted the victim girl by touching her back inappropriately. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the mother of the victim girl had money transaction with the petitioner and she also borrowed some loan amount from the petitioner. When he asked for the repayment, the mother of the victim girl falsely set up the allegation. He would further submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and the petitioner is in judicial custody from 11.10.2022. Hence, he may be granted bail.



4.The learned Additional Public Prosecutor appearing before the respondent police strongly opposed for grant of bail to the petitioner stating that the petitioner sexually assaulted the victim girl by touching her back inappropriately and the victim is aged about 17 years. He would further submit that the statement of the victim girl has been recorded under Section 164 Cr.P.C and eight witnesses have been examined so far and the investigation is yet to be completed.

5.Considering the facts and circumstances of the case and considering the period of incarceration and also the facts that 164 Cr.P.C statement of the victim girl has been recorded and eight witnesses have been examined so far, 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 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)the petitioner shall appear 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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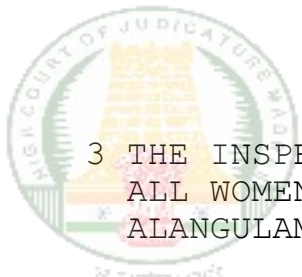
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

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

2 THE SUPERINTENDENT,
CENTRAL JAIL PRISON, PALAYAMKOTTAI.

<https://www.mca21.nic.in>



3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ALANGULAM.

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

+1. CC to M/S.KARUPPASAMY PANDIYAN G Advocate SR.No.13529 (I)
Date:18/11/2022.

ORDER

IN

CRL OP(MD) No.20461 of 2022
Date :18/11/2022

CP
SA/SSS/SAR. /18.11.2022/3P/6C