



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/11/2022
PRESENT

WEB COPY

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

CRL OP(MD) . No.20368 of 2022

Alagappan

... Petitioner/Accused

Vs

The State rep.by
The Sub Inspector of Police,
M.Pudhupatti Police Station,
Virudhunagar District.
Crime No.127 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Viji M,
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.127 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 22.09.2022 for the offences punishable under Sections 7, 8, 9(n) of POCSO Act, 2012, in crime No.127 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is the wife of the petitioner and the mother of the victim girl. On 08.09.2022, at about 08.00 p.m, when the victim girl was sleeping in her house, the petitioner had committed sexual assault on the victim girl in drunken mode. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 22.09.2022, hence he may be released on bail.

4.The learned Additional Public Prosecutor would submit that 6 witnesses have been examined and 164 statement was recorded. The investigation is yet to be completed. Hence, he strongly opposed to grant bail.



5. Considering the period of incarceration and also considering the facts that the 6 witnesses have been examined and 164 statement was recorded, 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 Exclusive Trial of Cases Under POCSO Act, Virudhunagar District at Srivilliputtur.

(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 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 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/-

17/11/2022

/ TRUE COPY /

17/11/2022

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

1 THE JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, SUB JAIL, VIRUDHUNAGAR.

<https://www.mhc.tn.gov.in/judis>



3 THE SUB INSPECTOR OF POLICE,
M.PUDHUPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.VIJI M Advocate SR.No.13174

**ORDER
IN**

CRL OP(MD) No.20368 of 2022
Date :17/11/2022

DSS
SA/VR/SAR. /17.11.2022/3P/6C