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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/11/2022

PRESENT

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

CRL OP(MD). No.20342 of 2022

D.Dhanush

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
Thirupuvanam Police Station,
Sivagangai District.
Crime No.248 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Sundarapandian S, Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

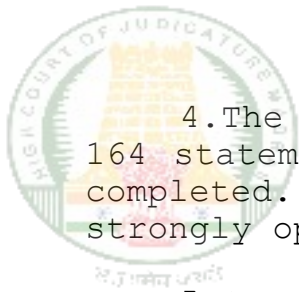
For Bail in Crime No.248 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 21.09.2022 for the offences punishable under Sections 363 of IPC & Section 5(1) & 6 of POCSO Act, in crime No.248 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the victim girl is aged about 17 years and the petitioner is aged about 20 years. The victim girl was kidnapped by the petitioner for a period of 10 days and also sexually harassed by him by giving false promise that he will marry her. 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 and the victim girl loved each other. The petitioner is in judicial custody from 21.09.2022, hence he may be released on bail.



4.The learned Additional Public Prosecutor would submit at 164 statement was already recorded and the investigation is almost completed. However, considering the gravity of the offence, he strongly opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that the major part of the investigation might have been completed and the petitioner is in judicial custody from 21.09.2022, 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 learned Principal Sessions Court For Exclusive Trial of Cases Under POCSO Act, Sivagangai.

(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 PRINCIPAL SESSIONS COURT FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT, SIVAGANGAI.



2 THE OFFICER INCHARGE, SUB JAIL, SIVAGANGAI.

3 THE INSPECTOR OF POLICE, THIRUPUVANAM POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.S.S.SUNDARAPANDIAN, Advocate (SR-13209[I] dated
17/11/2022)

ORDER

IN

CRL OP(MD) No.20342 of 2022

Date :17/11/2022

DSS

RS/VR/SAR.(17.11.2022) 3P-6C