



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/11/2022

PRESENT

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

CRL OP(MD). No.21003 of 2022

Vijaya Kumar

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
AWPS Police Station,
Sankarankovil, Tenkasi District.
(Crime No.14 of 2022)

... Respondent/Complainant

For Petitioner : M/s.Joseph Zinoson J, 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.14 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 11.11.2022 for the offences punishable under Section 452 of IPC and Sections 6, 5(1), 5(n), 12 and 11(6) of Protection of Children from Sexual Offences Act, in Crime No.14 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had committed aggravated penetrative sexual assault with a minor child, who is aged about 15 years. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner and the victim girl were fell in love with each other. The petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody from 11.11.2022 and he shall abide any condition imposed by this Court. Hence, he may be released on bail.

4.The learned Additional Public Prosecutor submitted that the petitioner had committed aggravated penetrative sexual assault on the victim girl, who is aged about 15 years and the statement of the victim girl has been recorded under Section 164 Cr.P.C. He would further submit the in this case, ten witnesses have been examined so far and investigation is still pending. Hence, he strongly opposed to grant bail.



5. Considering the facts and circumstances of the case and considering the period of incarceration and also the facts that ten witnesses have already been examined and 164 Cr.P.C statement of the victim girl 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 Judge for POCSO Act Cases, Tirunelveli.

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Sessions Judge/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 Sessions Judge/concerned 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 Sessions Judge/concerned Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560].

sd/-

28/11/2022

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28/11/2022

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

To

- 1 THE SPECIAL JUDGE FOR POCSO ACT CASES, TIRUNELVELI.
- 2 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE, AWPS POLICE STATION, SANKARANKOVIL, TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.21003 of 2022

Date : 28/11/2022

CP

RS/SSS/SAR. (28.11.2022) 2P-5C

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