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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.21068 of 2022

Abavanan

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Thirumayam,
Pudukkottai District.
Crime No.10 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Jameelarasu B,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

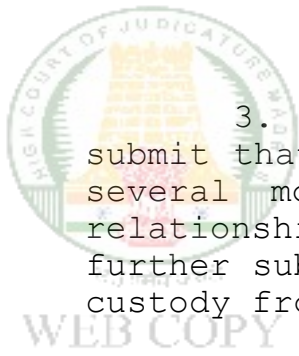
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.10 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner who was arrested and remanded to judicial custody on 08.11.2022 for the offence punishable under Sections 5(i), 5(ii) 5(iii) r/w. 6(i) of POCSO (Amendment) Act, 2019 in Crime No. 10 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that her minor daughter had physical changes in her body and therefore, she took her to a hospital and on 25.10.2022 it was found that she was pregnant by 7 months and on that enquiry, she had informed that the petitioner had sexual intercourse with her. Based on the investigation, the petitioner herein was arrested and remanded to judicial custody.



3. The learned counsel appearing for the petitioner would submit that both the petitioner and the victim loved each other for several months and based on that the petitioner had physical relationship with her, due to which, she became pregnant. He would further submit that the petitioner is innocent and he is in judicial custody from 08.11.2022 and seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is aged about 23 years and the victim is aged about 17 years and the major part of the investigation was over. He would further submit that in the 164 statement of the victim was recorded and in the statement she has stated that there was a love affair with the petitioner and thereby, the petitioner had committed penetrative sexual assault with the victim and that she became pregnant.

5. Taking into consideration of the facts and submissions made by the learned counsels and that 164 Statement of the victim was recorded and that the petitioner is in judicial custody from 08.11.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 Sessions Judge, Mahila Court Fast Track, Pudukkottai District, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall appear before the Special Court for POCSO Cases, Pudukkottai District on all working days at 10.30 a.m., until further orders. The petitioner shall not enter into the jurisdiction of the respondent police until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];



(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A I.

sd/-
06/12/2022

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

TO

- 1 THE SESSIONS JUDGE,
MAHILA COURT FAST TRACK,
PUDUKKOTTAI DISTRICT.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUMAYAM,
PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE JUDGE,
SPECIAL COURT FOR POCSO CASES,
PUDUKKOTTAI DISTRICT.

+1 cc to Mr.Jameelarasu.B., Advocate, SR.No.14452 (Date:07/12/2022)

ORDER

IN

CRL OP(MD) No.21068 of 2022
Date :06/12/2022

trp
SA/SSS/SAR. /06.12.2022/3P/7C