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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/11/2022
PRESENT

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

CRL OP(MD). No.21081 of 2022

Munikalai @ Muneeswaran

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Aruppukkottai,
Virudhunagar District.
Crime No.24 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Anandakumar N,
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.24 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

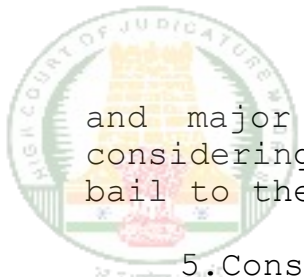
The petitioner/A1, who was arrested and remanded to judicial custody on 26.10.2022 for the offences punishable under Section 366(A) IPC, Sections 5(1) r/w 6, 16 r/w 17 of POCSO Act, 2012 and Sections 9 and 10 of Prohibition of Child Marriage Act, in crime No.24 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that A1 kidnapped the victim to his house and married her in the presence of other accused and committed sexual assault upon 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 co-accused have already been granted anticipatory bail by this Court and the petitioner is in judicial custody from 26.10.2022. Hence, he prays for bail.

4.The learned Additional Public Prosecutor would submit that it is a case of love affair and the victim girl is aged about 16 years

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and major part of the investigation is almost over. 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 period of incarceration and also the facts that the co-accused have already been granted anticipatory bail and major part of the investigation is almost over, 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 Sessions Court for POCSO Act Cases, Virudhunagar District at Srivilliputhur and on further conditions that:

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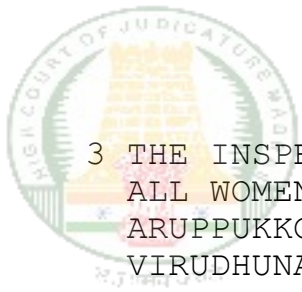
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDGE,
SPECIAL SESSIONS COURT FOR POCSO ACT CASES,
VIDUHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

2 THE OFFICER INCHARGE, SUB JAIL,
VIDUHUNAGAR DISTRICT.

<https://www.mhcn.org.in/>



3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARUPPUKKOTTAI,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.ANANDAKUMAR N Advocate SR.No.13888

ORDER

IN

CRL OP(MD) No.21081 of 2022

Date :29/11/2022

SJI

SA/VR/SAR. /29.11.2022/3P/6C