



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 09/12/2022

PRESENT

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

CRL OP(MD). No.21765 of 2022

Aadhina Pandian @ Pandiyan

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
All Women Police Station,
Othakadai, Madurai District.
(Crime No.316/2022).

... Respondent/Complainant

For Petitioner : M/s. Vishnuvarthanan.P.M,
Advocate.

For Respondent : Mr.T. Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.316/2022 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 20.10.2022 for the offence punishable under Sections 7 and 8 of POCSO Act, in Crime No. 316 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant viz., Rajkumar is that on 11.10.2022, the accused mis-behaved with his minor daughter and inappropriately touched her on breast. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that due to previous enmity, a false case has been registered against the petitioner. He would further submit that both the petitioner and the defacto complainant are neighbours and adjacent land owners and they are politicians and that there was an election motive between them. He would further submit that even as per the



complaint the petitioner had lifted his minor daughter and inappropriately touched her and also there is a delay in giving complaint. He further contended that the petitioner voluntarily surrendered before the Court concerned and he is ready to abide any stringent condition as imposed by this Court and seeks bail.

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4. The learned Additional Public Prosecutor appearing for the respondent would submit that the victim girl is aged about 10 years and the petitioner herein had inappropriately touched her on breast and 164 statement of the victim has also been recorded and he strongly opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and submissions made by the learned counsels and the 164 of the victim was recorded and that the petitioner is in judicial custody from 20.10.2022, 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 Special Court for Exclusive Trial of POCSO Cases, Madurai 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 stay at Ariyalur and report before All Women Police Station, Ariyalur, daily at 10.30 a.m., until further orders. Further, the petitioner shall not enter into jurisdiction of the respondent police till the examination of PW.1 and victim girl.

(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 FIF registered under Section 229A IPC.

sd/-
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09/12/2022

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

TO

1. THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF POCSO CASES,
MADURAI.
2. THE SUPERINTENDENT,
CENTRAL JAIL, MADURAI.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
OTHAKADAI, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARIYALUR.

+1 CC to M/s.PM.VISHNUVARTHANAN, Advocate (SR-14640[I] dated 09/12/2022)

ORDER
IN
CRL OP(MD) No.21765 of 2022
Date :09/12/2022

trp
USK/BUC/SAR- /09.12.2022/3P/7C