



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/12/2022
PRESENT

WEB COPY

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

CRL OP(MD) . No.21593 of 2022

Saranraj @ Saran

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Keeranur All Women Police Station,
Pudukottai District
(Crime No. 30 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Karunakaran K M, Advocate

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

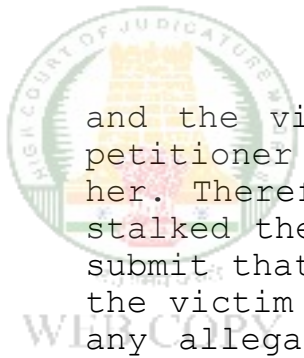
PRAYER :- For Bail in Crime No. 30 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner who was arrested and remanded to judicial custody on 14.11.2022 for the offence punishable under Sections 11 (1), 12 of Protection of Children from Sexual Offences Act, 2012 in Crime No. 30 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution, as per the defacto complainant viz., Radha is that on 04.11.2022, she saw her 13 year old minor daughter, going along with the accused/petitioner in a motorcycle and when she had enquired, her daughter informed that he used to take her often and thereby, she gave a complaint before Mathavaram Police Station, whereas, the Officials did not take any action. While so, the petitioner had repeatedly taken her minor daughter in the motorcycle and fearing that he would ravish her daughter, she lodged this complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. The victim's family was a tenant to his parents and during that time, there was only a friendship between the petitioner



and the victim. However, the victim's mother suspected the petitioner has a love affair with the victim and he would ravish her. Therefore, she lodged a false complaint, as if, the petitioner stalked the victim and taken her in a motorcycle. He would further submit that during the course of investigation, he came to know that the victim in her statement under Section 164 Cr.P.C, has not stated any allegations against the petitioner, as if, he physically and sexually assaulted her. The petitioner is in custody from 14.11.2022, unnecessarily. Hence, prays to release the petitioner on bail.

4.The learned Additional Public Prosecutor would submit that the victim's parents were tenants in the house, which belongs to the petitioner's parents. The petitioner used to take the victim in his motorcycle. Though the victim has not stated anything in respect of sexual assault committed by the petitioner, the victim is not subjected to medical examination and the investigation is in nascent stage. Hence, he strongly opposed to grant bail to the petitioner.

5.Heard both sides. Perused the materials available on record, including the FIR, statements of the victim recorded under Section 161, 164 of Cr.P.C.

6.Taking into consideration the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner on certain 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, Pudukottai, and on further conditions that:

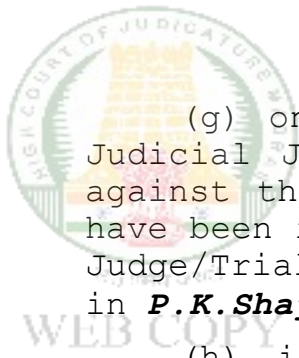
(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall stay at Madurai and report before the Vilakkuthoon Police Station daily at 10.30 a.m., and he shall not enter into the jurisdictional limit 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 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 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];

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

sd/-

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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, PUDUKOTTAI.
- 2 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
- 3 THE INSPECTOR OF POLICE,
KEERANUR ALL WOMEN POLICE STATION,
PUDUKOTTAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
VILAKKUTHOON POLICE STATION,
MADURAI.

+1. CC to M/S.KARUNAKARAN K M Advocate SR.No.14473

ORDER

IN

CRL OP(MD) No.21593 of 2022
Date :07/12/2022

PNM

SA/VR/SAR. /07.12.2022/3P/7C