



WEB COPY

CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/01/2023

PRESENT

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

CRL OP(MD). No.213 of 2023

Karthick

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Bodi, Theni District.
Crime No.30/2022.

... Respondent/Complainant

For Petitioner : M/s.Sabbani Karbura Jothi S,
Advocate.

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

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

PRAYER :-

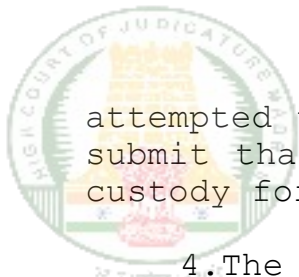
For Bail in Crime No.30 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 22.10.2022 for the offence punishable under Section 448 IPC and Section 9(m) and 10 of POCSO 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 de-facto complainant Pandimeena, is that the accused in an inebriated condition had trespassed into her house and attempted to misbehave with her minor daughter, aged 9 years. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would further submit that the petitioner and the de-facto complainant are neighbours and there was a previous enmity between them and on the particular day, the petitioner, who was in an inebriated condition, abused the de-facto complainant and to take revenge, she has given a false complaint as if the petitioner



attempted to misbehave with the minor victim girl. He would submit that the petitioner was arrested on 22.10.2022 and he is in custody for so many days. Hence, he seeks for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner, who is from the same village, trespassed into the house of the de-facto complainant in an inebriated condition and attempted to misbehave with the minor victim girl and when she has raised alarm, the petitioner had escaped from the scene of occurrence. He would further submit that the victim girl has also categorically spoken about the incident, when she was examined under Section 164 of Cr.P.C. Hence, he opposed to grant bail.

5.Heard. Perused the materials available on record including the First Information Report and also statement recorded from the victim girl recorded under Section 164 of Cr.P.C. On perusal of the statement recorded from the victim girl under Section 164 of Cr.P.C., shows that the petitioner had only pulled the hands of the victim girl and it is also stated that the petitioner was in an inebriated condition.

6.Taking into consideration of the facts and submissions made by the learned counsels and also considering the period of incarceration, 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 Fast Track Mahila Court, Theni and on further conditions that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate 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 Inspector of Police, Y.Otthakadai Police Station, Madurai daily at 10.30 A.M. and 05.30 P.M., until further orders; and it is made clear that the petitioner shall not enter into the jurisdiction limits of the respondent police till the examination of P.W.1., the de-facto complainant and the victim.

[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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

05/01/2023

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05/01/2023

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

SJI

TO

- 1 THE JUDGE, FAST TRACK MAHILA COURT, THENI.
- 2 THE OFFICER INCHARGE, DISTRICT PRISON, THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, BODI, THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSPECTOR OF POLICE,
Y.OTHAKADAI POLICE STATION,
Y.OTHAKADAI, MADURAI.

+1 CC to M/s.SABBANI KARBURA JOTHI S, Advocate (SR-163[I] dated 05/01/2023)

ORDER

IN

CRL OP(MD) No.213 of 2023

Date :05/01/2023

RS/SSS/SAR.(05.01.2023) 3P-7C