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CRL OP(MD)



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/01/2023

PRESENT

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

CRL OP(MD) . No.775 of 2023

Sankar

... Petitioner/Sole Accused

Vs

The state rep.by
The Inspector of Police,
Kadambur All Women Police Station,
Thoothukudi District.
Crime No.10 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Lingaraj T,
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.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 17.12.2022 for the offence punishable under Sections 354 IPC and Sections 11(i) r/w 12 of Protection of Children from Sexual Offences Act, 2012 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 on 11.12.2022, while the minor victim was taking bath in her house, the petitioner had taken obscene photographs of 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. The victim's family and the petitioner's family are neighbours. Due to previous enmity, a false complaint has been given, as if, he had taken obscene photographs of the victim. The petitioner is aged about 18 years and he is in custody from



17.12.2022 and the major part of the investigation is over. The phone alleged to have been used for taking the photographs has been recovered. Hence, prays to release the petitioner on bail.

4. The learned Additional Public Prosecutor would submit that the petitioner and the victim are neighbours and the petitioner took obscene photographs of the victim, while she was taking bath in her house. Hence, he strongly opposed to grant bail to the petitioner.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court, including the FIR.

6. Taking into consideration the facts and circumstances of the case and considering the age of the petitioner and also 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, Special Court for Exclusive Trial of Cases under POCSO Act Cases, Thoothukudi**, 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 Tirunelveli and report before the Tirunelveli Town 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]**;



CRL OP(MD)



23

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

sd/-
11/01/2023

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

TO

- 1 THE JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES,
POCSO ACT, THOOTHUKUDI.
- 2 THE OFFICER INCHARGE,
DISTRICT PRISON, PERURANI,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KADAMBUR ALL WOMEN POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE INSPECTOR OF POLICE,
TIRUNELVELI TOWN POLICE STATION
TIRUNELVELI.

+1 CC to M/s.LINGARAJ T, Advocate (SR-597[I] dated 11/01/2023)

ORDER
IN
CRL OP(MD) No.775 of 2023
Date :11/01/2023

PNM
MK/SSS/SAR (11.01.2023) 3P 7C