



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 07/02/2023

PRESENT

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

CRL OP(MD) . No.2258 of 2023

Abdulkalam

... Petitioner/Sole Accused

Vs

State Rep.by

The Inspector of Police,  
All Women Police Station,  
Aranthangi Police Station,  
Pudukottai District.  
Crime No.22 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Balamurugapandi.D,  
Advocate.

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

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

PRAYER :-

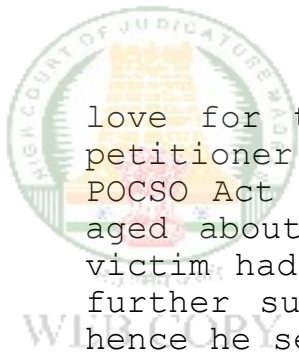
For Bail in Crime No.22 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 19.11.2022 for the offence punishable under Sections 5(1),5(j)(ii) r/w.6(1) of POCSO Amendment Act, 2019 in Crime No.22 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused who was her distant relative had committed penetrative sexual assault on her minor daughter due to which she became pregnant and later got aborted, hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that both the petitioner and the victim are distant relatives and they were in



love for the past 1 ½ years. He would further submit the petitioner without understanding the rigours and consequences of POCSO Act had consensual sexual relationship with the victim who is aged about 16 years at the time of occurrence, due to which the victim had become pregnant and later it was also aborted. He would further submit that the petitioner is in custody from 19.11.2022, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner who is the relative of the victim on the false promise of marrying her had committed penetrative sexual assault on the victim girl due to which she became pregnant and later it was aborted, hence he objected to grant bail to the petitioner. He would further submit that the psychiatric test of the victim has to be taken.

5. In reply the learned counsel for the petitioner would submit that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and he is also ready to subject himself for psychiatric test as and when called by the respondent police.

6. Heard. Perused the materials available on record including the First Information Report.

7. Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period 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 (of which one shall be the father or mother) each for a like sum to the satisfaction of the Mahila Court, Pudukottai and on further conditions that:

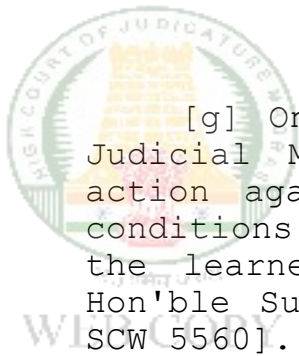
[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police daily at 10.30 A.M., 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 with the ongoing investigation or trial.



[g] On breach of any of the aforesaid conditions, the 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.

[I] the petitioner shall subject himself to the psychiatric test as and when called by the respondent police.

sd/-

07/02/2023

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07/02/2023

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

AAV

TO

1 THE JUDGE, MAHILA COURT, PUDUKOTTAI.

2 THE OFFICER INCHARGE, DISTRICT JAIL, PUDUKKOTTAI.

3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,  
ARANTHANGI POLICE STATION, PUDUKOTTAI DISTRICT.

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

+1 CC to M/s.D.BALAMURUGAPANDI, Advocate ( SR-1915[I] dated  
07/02/2023 )

ORDER

IN

CRL OP(MD) No.2258 of 2023

Date :07/02/2023

RS/VR/SAR.(07.02.2023) 3P-6C