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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.4431 of 2023

P.Satheesh Kumar ... Petitioner/Accused No.2

Vs

The State rep. By,
Inspector of Police,
Othakadai Police Station,
Madurai District.
Crime No.256 of 2022..

... Respondent/Complainant

For Petitioner : M/s.Dinesh Babu K,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.256 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /A2 who was arrested and remanded to judicial custody on 31.12.2022 for the offences under sections 9,10 of Prohibition of Child Marriage Act and section 5(1),6,7,8,16,17 of Protection of Children from Sexual Offences Act in Crime No. 256 of 2022 on the file of the respondent police seeks bail.

2. Initially the case was registered as Girl Missing and during investigation it was found that A1 had enticed the victim girl and committed aggravated penetrative sexual assault with the victim, in fact A1 had sexual contact with the mother of the victim. Further A2 also alleged to have committed aggravated penetrative sexual assault with the victim girl In the meantime A1 and A2 arranged the house for the present petitioners. At that time A3 also had contact with



victim girl, thereby A3 also alleged to have committed aggravated penetrative sexual assault with the victim girl. At that time A4 to A7 performed the marriage of the victim girl with A3 on 30.10.2022 at Angala Parameshwari Temple, Poongulam. Further the father of the victim girl is also arrayed as A8 who had abetted for commission of aggravated penetrative sexual assault between her daughter and A1 to A4.

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

4. Even according to the case of prosecution the mother of the victim had relationship with so many persons. While being so, she has also shown the victim girl to other persons in order to involve her in the prostitution. Whiles, the victim also fell in love with Karthick and she got married with him. In so far as the petitioner is concerned he used to touch her which has been revealed from the statement of the victim recorded under section 164 of Cr.P.C.

5. Considering the facts and circumstances and also 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 learned Principal Sessions Court of Exclusive trial of cases under POCSO Act, Madurai 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., for a period of four weeks and thereafter as and when required for interrogation.

[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



[h] If the accused thereafter absconds, 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.

AAV

TO

1. THE PRINCIPAL SESSIONS JUDGE OF EXCLUSIVE TRIAL OF CASES UNDER
POCSO ACT, MADURAI.

2 THE SUPERINTENDENT,
CENTRAL JAIL,
MADURAI.

3 THE INSPECTOR OF POLICE,
OTHAKADAI POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s..DINESH BABU K, Advocate (SR-3656[I] dated
08/03/2023)

ORDER

IN

CRL OP(MD) No.4431 of 2023

Date :08/03/2023

RK/MMS/SAR-(08/03/2023) 3P/6C