



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/03/2023

PRESENT

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

CRL OP(MD) . No.4519 of 2023

Balaji

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Devarkulam Police Station,
Tenkasi District.
Crime No. 221 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Karthick R.J.,
Advocate.

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

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

PRAYER :-

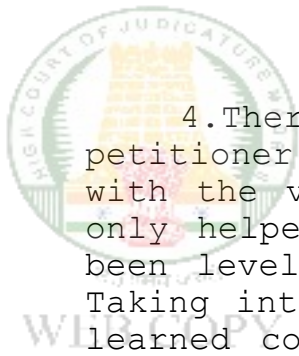
For Bail in Crime No. 221 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner /A3 who was arrested and remanded to judicial custody on 23.02.2023 for the offences under sections 147,148,366,506(ii) of IPC and sections 9 and 10 of POCSO Act in Crime No.221 of 2022 on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 12.11.2022 at about 8.30 pm. when the victim was in her house along with the parents the petitioner along with other accused came to her house and threatened her parents with deadly weapons and took the victim girl to Shencottai to his friend's house, where the petitioner had committed sexual assault on the minor victim girl. hence the case.

3.Heard both sides and perused the materials available on record including the First Information Report.



4. There are totally three accused in this case. The petitioner herein is arrayed as A1. The first accused fell in love with the victim girl and eloped somewhere. The petitioner herein only helped him to elope and except this no other allegation has been levelled against him to attract the provisions of POCSO Act. Taking into consideration of the facts and submissions made by the learned counsels 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 Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, Tirunelveli 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 two 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 SCW 5560].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

09/03/2023

/ TRUE COPY /

09/03/2023

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

AAV



TO

1 THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
TIRUNELVELI.

2 THE SUPERINTENDENT,
CENTRAL JAIL, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
DEVARKULAM POLICE STATION, TENKASI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.4519 of 2023

Date :09/03/2023

MGJ/SBN/SAR-(09.03.2023) 3P 5C