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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/03/2023

PRESENT

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

CRL OP(MD) . No.5386 of 2023

Robin ... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Courtallam Police Station,
Tenkasi District.
Crime No.55 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Rajeshkumar R, 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.55 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

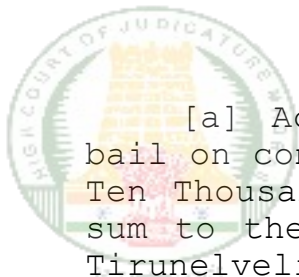
The petitioner /sole accused who was arrested and remanded to judicial custody on 27.02.2023 for the offences under sections 7,8 of the Protection of Child from Sexual Offences Act, 2012 in Crime No.55 of 2023 on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner herein pulled the hands of the victim and kissed her on the lips, hence the case.

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

4.It is seen that the petitioner fell in love with the victim girl and on the date of occurrence the petitioner herein tried to kiss the victim. Taking into consideration the facts and submissions made by the learned counsels and also the period of incarceration this court is inclined to grant bail to the petitioner , subject to

<https://www.mhc.gov.in/judis>
one 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 blood related sureties each for a like sum to the satisfaction of the Special Court for POCSO Act Cases, 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. and 5.30 P.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 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.

[i] the petitioner shall file undertaking affidavit before the trial Court that he will not indulge in similar types of offences again. If the petitioner fails to comply with the said undertaking the respondent is at liberty to secure the petitioner and proceed in accordance with law.

sd/-

23/03/2023

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23/03/2023

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

AAV

TO

1 THE JUDGE, SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI DISTRICT.

2 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

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



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

+1 CC to M/s.R.RAJESHKUMAR, Advocate (SR-4695[I] dated 23/03/2023)

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ORDER

IN

CRL OP (MD) No.5386 of 2023

Date :23/03/2023

RS/CG/SAR- (23.03.2023) 3P 6C