



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 29/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD) . No.5763 of 2023

WEB COPY

Sanjith

... Petitioner / Sole Accused

Vs

The State Rep by
The Inspector of Police,
All Women Police Station,
Thilagarthidal,
Madurai District.
Crime No.11 of 2023.

... Respondent / Complainant

For Petitioner : Mr.S.Pandiyaraj, Advocate.

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

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

PRAYER :-

For Bail in Cr.No.11 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 02.03.2023 for the offences under sections 341,506(i) of IPC r/w.4(2),7,8 of POCSO Act @ 341, 506(i) of IPC r/w.7 and 8 of POCSO Act in Crime No.11 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 26.02.2023 at night 9.00 pm.m when the victim girl was walking towards his house, the accused came in this motor cycle and pressed the back of the victim girl with an sexual intent and thereafter he said to have threatened the victim girl with dire consequences, hence the case.

3. Heard both sides and perused the materials available on record including the First Information Report and the statement of the victim recorded under section 164 of Cr.P.C.

4. A perusal of the statement recorded under section 164 of Cr.P.C reveals the fact that when the victim along with her mother were going for walking the petitioner came there in a two wheeler and touched the back and went away. Taking into consideration the



facts and submissions made by the learned counsels and 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 blood related sureties each for a like sum to the satisfaction of the learned District and Sessions Judge, Special Court for 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 file an undertaking affidavit before the respondent police that he will not indulge in similar type of activities again.** Further the petitioner shall stay at Thanjavur and report before the Thanjavur town Police Station daily at 10.30 am., and 5.30 pm., for a period of two weeks and thereafter before the respondent police daily at 10.30 am., 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.

sd/-
29/03/2023

/ TRUE COPY /

29/03/2023

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

AAV

<https://www.mhc.tn.gov.in/judis>



To

1.The District and Sessions Judge,
Special Court for Exclusive trial of cases under POCSO Act,
Madurai.

2.The Inspector of Police,
All Women Police Station,
Thilagarthidal,
Madurai District.

3.The Officer Incharge,
District Prison,
Dindigul.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

The Inspector of Police,
Thanjavur Town Police Station,
Thanjavur District.

+1 CC to M/s.S.PANDIYARAJ, Advocate (SR-5028[I] dated 29/03/2023)

ORDER

IN

CRL OP(MD) No.5763 of 2023

Date :29/03/2023

ED/SBN/SAR- (29/03/2023) 3P 7C