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CRL OP(MD).



23

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

Date : 05/04/2023

PRESENT

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

CRL OP(MD) . No.6313 of 2023

Ananth @ Anantharaj, ... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
K.Pudur Police Station,
Madurai City,
Crime No. 44 of 2023. ... Respondent/Complainant

For Petitioner : M/s.Maran M, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 44 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner /A1 who was arrested and remanded to judicial custody on 05.03.2023 for the offence under sections 9(1) r/w.10,11 (ii)(iv)r/w.12 of POCSO Act in Crime No.44 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 03.03.2023 at about 8.35 am., the victim girl aged 16 years went to school with uniform, but on the same day she has not returned home. Thereafter during investigation it was found that A1 enticed the girl and taken her cinema theatre and several places where the petitioner/A1 has fondled the breasts and private parts of the victim girl. Investigation reveals that another persons alleged to have



committed sexual assault with the victim girl and also obscene videos of the victim girl, hence the case.

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

4. There are totally two accused in this case. A perusal of the statement of the victim recorded under section 164 of Cr.P.C reveals the fact that the petitioner has seen the photos of the victim with one Veeraiyan. Therefore he suspected her and taken her to cinema theatre and had beaten her, except the said allegation no other allegation has been levelled against her. Taking into consideration of 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 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 (POCSO Act Cases) 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 stay at Virudhunagar and report before the Virudhunagar West Police Station daily at 10.30 A.M. and 5.30P.M., for a period of two weeks and thereafter before the respondent police daily at 10.30 am., and 5.30 pm., for a period of four weeks.

[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/-
05/04/2023

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

AAV

TO

- 1 THE DISTRICT AND SESSIONS JUDGE,
(POCSO ACT CASES), MADURAI.
- 2 THE INSPECTOR OF POLICE
K.PUDUR POLICE STATION, MADURAI CITY,
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE
VIRUDHUNAGAR WEST POLICE STATION,
VIRUDHUNAGAR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.MARAN, Advocate (SR-5458[I] dated 05/04/2023)

ORDER

IN

CRL OP(MD) No.6313 of 2023

Date :05/04/2023

PKP/VR/SAR- /05.04.2023/ **3P/7C**