



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/04/2023

PRESENT

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

CRL OP(MD) . No.6566 of 2023

Paramasivam

... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
Rajathanal Police Station,
Theni District.
Crime No.25 of 2023..

... Respondent/Complainant

For Petitioner : M/s.Prabu M,
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.25 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 03.02.2023 for the offences under sections 3(b), 4,7,8 of POCSO Act in Crime No.25 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner on 31.01.2023 had committed sexual harassment to the victim. Subsequently the victim informed the same to her parents and a case came to be registered.

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



chest and private parts. 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 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, Mahalir Neethimandram (Fast Track Mahila Court) Theni 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 Namakkal and report before the Namakkal Town Police daily at 10.30 a.m., and 5.30 pm., for a period of four 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/-

11/04/2023

/ TRUE COPY /

11/04/2023

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

TO

1 THE SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM (FAST TRACK MAHILA COURT),

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

THENI.



2 THE INSPECTOR OF POLICE
RAJATHANAL POLICE STATION,
THENI DISTRICT.

3 THE OFFICER INCHARGE,,
DISTRICT JAIL, THEKKAMPATTI, THENI.

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

COPY TO:
THE INSPECTOR OF POLICE,
NAMAKKAL TOWN POLICE STATION,
NAMAKKAL.

+1. CC to M/S.PRABU M Advocate SR.No.5623

ORDER
IN
CRL OP (MD) No.6566 of 2023
Date :11/04/2023

SS/SSS/SAR /11/04/2023/3P/7C