



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

Date : 20/04/2023

PRESENT

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

CRL OP(MD) . No.7350 of 2023

Sivaraman

... Petitioner / Accused No.3

Vs

State through
The Inspector of Police,
K.Pudur Police Station,
Madurai District.
(Crime No.07 of 2023.)

... Respondent / Complainant

For Petitioner : M/s.Veerakumar.T, 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.7 of 2023 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 10.01.2023 for the offence punishable under Sections 3 (c)r/w.4,11(i) (iv)r/w.12,11(i) (v) r/w.12,14(ii) and 17 of POCSO Act, 2012 and sections 387 and 392 of IPC and sections 67(B)(e) & 67(A) of Information Technology Act, 2000 in crime No.7 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that A3 had enticed the victim girl to Melavalavu outskirts where he had committed penetrative sexual assault. At that time the other accused A1 and A2 had came there and took videos of the sexual intercourse of the petitioner and the victim girl and thereafter A1 and A2 threatened the victim girl and taken the cash and jewels, hence the case.

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

4. It is seen that there are totally three accused in this case



and the petitioner herein is arrayed as A3. The petitioner in love with the victim. He was threatened by A1 and A2 and had physical relationship with the victim. Now A2 was arrested and granted default bail. 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 Principal 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 report before the respondent police daily at 10.30 A.M. and 5.30P.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.

sd/-
20/04/2023

/ TRUE COPY /

20/04/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



To

1.The Sessions Judge,
Principal Special Court for Exclusive Trial of
Cases under POCSO Act,
Madurai.

2.The Inspector of Police,
K.Pudur Police Station,
Madurai District.

3.The Officer Incharge,
District Prison,
Virudhunagar.

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

+1 CC to M/s.VEERAKUMAR.T, Advocate (SR-6156[I] dated 20/04/2023)

ORDER

IN

CRL OP(MD) No.7350 of 2023

Date :20/04/2023

ED/SSS/SAR- (20/04/2023) 3P 6C