



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21/04/2023
PRESENT

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

CRL OP(MD) . No.7496 of 2023

Ramji

... Petitioner/Accused

Vs

The State rep.by
The Inspector of Police,
Sindhupatti Police Station,
Sindhupatti, Madurai District.
Crime No.33 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Krishnan.A.S,
Advocate.

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

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

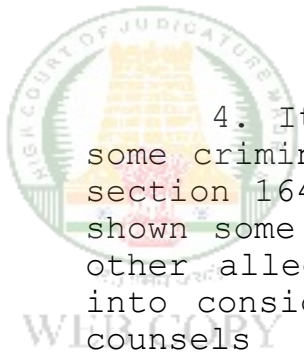
PRAYER :- For Bail in Crime No.33 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /Accused who was arrested and remanded to judicial custody on 14.02.2023 for the offence under section 377 of IPC and section 3(a), 4(2) of POCSO Act, 2012 in Crime No.33 of 2023 on the file of the respondent police seeks bail.

2. According to the case of prosecution the victim is 11 years old boy and he is residing with his grand mother and studying 7th standard at Government Higher Secondary School, Thumbagundu. On 13.02.2023 the boy was missing and hence the defacto complainant searched the boy and found the victim boy. Further on enquiry, the defacto complainant came to know that the petitioner alleged to have committed aggravated penetrative sexual assault, hence on fear of such act, the victim boy has gone out of the house, hence the case came to be registered.

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



4. It is seen that the petitioner and the victim involved in some criminal activities. A perusal of the statement recorded under section 164 of Cr.P.C reveals the fact that the petitioner had only shown some obscene videos to the victim, except this allegations no other allegation has been levelled against the petitioner. 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 blood related sureties each for a like sum to the satisfaction of the learned Principal Special Court of 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., for a period of four weeks and thereafter as and when required for interrogation.

[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/-

21/04/2023

/ TRUE COPY /

21/04/2023

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



- 1 THE SESSIONS JUDGE,
THE PRINCIPAL SPECIAL COURT OF EXCLUSIVE
TRIAL OF CASES UNDER POCSO ACT,
MADURAI.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 3 THE INSPECTOR OF POLICE,
SINDHUPATTI POLICE STATION,
SINDHUPATTI, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.KRISHNAN.A.S Advocate SR.No.6268

ORDER

IN

CRL OP(MD) No.7496 of 2023

Date :21/04/2023

SA/SSS/SAR. /21.04.2023/3P/6C