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CRL OP(MD).



23

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

Date : 17/05/2023

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.8579 of 2023

Karthick

... Petitioner/Sole Accused

Vs

1. The Inspector of Police,
All Women Police Station, Bodi,
Theni District.
(In Crime No.06 of 2023).

2. Pitchaimani

... Respondents/Complainants

(R2 is Suo-Motu [Impleaded as Per Order
of the Court Dated 04/05/2023 in Crl.OP
(MD)8579/2023 by RTJ].

For Petitioner : M/s. Joseph Jerry.A,
Advocate.

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.06 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 08.02.2023 for the offences punishable under
Sections 366, 323, 506(i) IPC and Section 4(2), 5(1) and 6 of POCSO
Act, 2012 in Crime No.6 of 2023 on the file of the respondent
police, seeks bail.

2.The case of the prosecution is that the accused committed
sexual assault on the victim girl.

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3.The learned counsel appearing for the petitioner would submit that there was a love affair between the petitioner and the victim girl. The same is portrayed as an offence.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the statement under Section 164 Cr.P.C., was recorded and the minor girl admitted that there was a love affair between the petitioner and the victim girl.

5.Taking into consideration of the facts and submissions made by the learned counsels, 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 (out of which, one shall be blood related surety) 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 report before the respondent police on every Monday and Saturday at 10.30 A.M., until further orders and he shall appear before the trial Court on all hearings without fail till the trial is completed.

[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/-

17/05/2023

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19/05/2023

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

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TO

- 1 THE SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM,
FAST TRACK MAHILA COURT, THENI.
 - 2 THE OFFICER INCHARGE,
SUB PRISON, UTHAMAPALAYAM, THENI
 - 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, BODI, THENI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S. JOSEPH JERRY.A Advocate SR.No.7444

ORDER

IN

CRL OP(MD) No.8579 of 2023

Date :17/05/2023

SS/MMS/SAR- /19.05.2023/ **3P/ 6C**