



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/05/2023

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R. KALAIMATHI

CRL OP(MD). No.8748 of 2023

Nagoor Hanifa,

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Melur Police Station,
Madurai District.
In Crime No.88 of 2022..

... Respondent/Complainant

For Petitioner : M/s.Eswaran.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.88 of 2022 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 07.03.2022 for the offences under sections Girl Missing @ 5(1),6 of POCSO Act and sections 143,307,366(A) of IPC @sections 5(1),6 of POCSO Act and sections 143,302,366(A) of IPC in Crime No.88 of 2022 on the file of the respondent police seek bail.

2. The case of the prosecution is that A1 alleged to have kidnapped the victim girl aged about 17 years and had committed penetrative sexual assault. Further A1 kidnapped the girl to Pallipalayam to the house of A9 where A1 again committed penetrative sexual assault . The further allegation is that A1 cheated the victim girl and made her to consume rat paste and left her in her house. Later she died,hence the case.



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

4. The petitioner was arrested and remanded to judicial custody on 07.03.2022. Now the investigation has been completed and the final report has been taken cognizance by the learned Sessions Judge, Principal Special Court for Exclusive trial of cases under POCSO Act, Madurai in Spl.S.C.No.145 of 2022 and the case is under trial. Taking into consideration the facts and submissions made by the learned counsels and also the period of incarceration and also the fact that some of the co-accused were granted bail by this Court, 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, 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 learned Sessions Judge, Principal Special Court for Exclusive trial of cases under POCSO Act, Madurai on all working days at 10.30 am., and 5.30 pm., 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 is 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.

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sd/-
10/05/2023

11/05/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

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

ORDER
IN
CRL OP(MD) No.8748 of 2023
Date :10/05/2023

PKP/VR/SAR- /11.05.2023/ **3P/5C**