



WEB COPY

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.8761 of 2023

Maya,

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
All Women Police Station, Kovilpatti,
Thoothukudi District.
in Crime No.18/2023..

... Respondent/Complainant

For Petitioner : M/s.Robinson A,Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

To enlarge the petitioner/accused no.1 on bail in Spl.SC.No.143/2022 pending on the file of the Learned Special Court for Exclusive Trial of Cases under POCSO Act, Toothukudi in Crime No.18/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A1, who was arrested and remanded judicial custody on 06.07.2022 for the offences punishable under Sections 294 (b), 417 and 506(ii) of IPC and section 4 of TNPHW Act,2002 r/w.section 5(1) and 6 of POCSO Act in Crime No.18 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner herein committed aggravated penetrative sexual assault on the minor victim aged about 17 years and also promised her that he would marry her and thereafter refused to marry her, hence the case.



3.The learned counsel for the petitioner submits the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that he had affair with the victim girl and due to the intervention of the elders, this false case has been foisted against him. He further submits that the petitioner is in judicial custody from 06.07.2022, hence he seeks bail.

4.The learned Government Advocate(Crl.Side) would submit that petitioner herein committed aggravated penetrative sexual assault on the minor victim aged about 17 years, hence he objected to grant bail to the petitioner. He would further submit that the investigation has been completed and charge sheet has been filed. He would further submit that the petitioner is a married man got divorced three times.

5.It is seen from the statement of the victim recorded under section 164 of Cr.P.C that knowing well that the petitioner got divorced three times the victim had affair with him. Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that the investigation completed, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties(of which one shall be a blood related surety) each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, Thoothukudi.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three months and thereafter on all hearing dates at 10.30 a.m., before the trial Court without fail.

(iii)the petitioner shall not tamper with evidence or witness;

(iv)the petitioner shall not abscond during trial;

(v)On breach of any of the aforesaid conditions, the learned 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 Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[vi] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

sd/-
17/05/2023

/ TRUE COPY /

17/05/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

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

+1 CC to M/s.A.ROBINSON, Advocate (SR-7419[I] dated 17/05/2023)

ORDER
IN
CRL OP(MD) No.8761 of 2023
Date :17/05/2023

PKP/VR/SAR- /17.05.2023/ **3P/6C**