



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

Date : 02.06.2023

PRESENT

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

CRL OP(MD)No.8865 of 2023

Arumugam

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
Natham Police Station,
Dindigul District.
(Crime No.177 of 2023)

... Respondent/Complainant

For Petitioner : Mr.S.Arjun, 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.177 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 18.04.2023 for the offence under section 11(3) and 12 of POCSO Act in Crime No.177 of 2023 on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 18.04.2023, at about 09.00 am., when the defacto complainant's daughter was playing, the petitioner herein tried to kiss and also tried to bad touch and hence, she shouted loudly and after hearing the same, the defacto complainant and other neighbors came there. Therefore, the petitioner ran away from the scene of occurrence. Hence the case.

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

4.On perusal of statement recorded from the victim girl under 164 Cr.P.C., revealed that the petitioner used to give flying kiss and also attempted to give bad touch. Except these allegations, there are no other specific allegations as against the petitioner.



5. Taking into consideration of the above facts and circumstances 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 sureties each for a like sum to the satisfaction of the Special Court for POCSO Act Cases, Dindigul 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 stay at Thirumayam and report before the Thirumayam Police Station daily at 10.30 am., for a period of two weeks and thereafter, shall report before the respondent police station daily at 10.30 am., for a period of two weeks and thereafter, as and when required.

[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/-

02/06/2023

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02/06/2023

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

GNS

TO

1 THE JUDGE, SPECIAL COURT FOR POCSO ACT CASES, DINDIGUL.

2 THE INSPECTOR OF POLICE, NATHAM POLICE STATION, DINDIGUL DISTRICT.



CRL OP(MD)



23

3 THE OFFICER INCHARGE, DISTRICT JAIL, DINDIGUL.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSPECTOR OF POLICE
THIRUMAYAM POLICE STATION,
THIRUMAYAM.

ORDER

IN

CRL OP(MD) No.8865 of 2023

Date :02/06/2023

RS/SSS/SAR-(02.06.2023) 3P 6C