



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 18/05/2023  
PRESENT

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

CRL OP(MD) . No.9142 of 2023

Pandian,

... Petitioner/Accused

**Vs**

The State rep.by  
The Inspector of Police,  
All Women Police Station,  
Thallakulam,  
Madurai City.  
(Crime No.20 of 2023).

... Respondent/Complainant

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

For Respondent : Mr.SS.MADHAVAN,  
Government Advocate (Crl.Side)

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

**PRAYER :-** For Bail in Crime No.20 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 31.03.2023 for the offences punishable under Sections 7 and 8 of POCSO Act, 2012 in Crime No.20 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the victim girl is aged 16 years and studying 11<sup>th</sup> standard at Kakaipadiniyar Higher Secondary School, whenever the victim girl going for school, the accused followed and caused sexual harassment. Later on, the accused enticed the victim girl to the Rajaji Park, where, the accused hugged and kissed her and thereby, committed sexual assault. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that it is a case of love affair and the parents of the victim girl gave a false complaint against him. Hence, he prayed for bail.



4.The learned Government Advocate (Crl.Side) appearing for the respondent raised objection stating that the accused made sexual harassment upon the victim girl. Investigation almost completed.

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5.Considering the facts that it is a case of love affair and the investigation almost completed and also considering 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.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 Special Court for 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]after coming out from prison, within two days, the petitioner shall file an undertaking affidavit before the learned Special Judge stating that he will not have any communication with the victim girl in future, failing which, the bail already granted shall stand dismissed automatically;

[d] the petitioner shall report before the respondent police evening at 06.30 p.m for a period of two months and thereafter, as and when required for interrogation;

[e] the petitioner shall not commit any offences of similar nature.

[f] the petitioner shall not abscond either during investigation or trial.

[g] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[h] 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].



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

sd/-

18/05/2023

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19/05/2023

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

SJI

**TO**

- 1 THE JUDGE,  
SPECIAL COURT FOR CASES UNDER POCSO ACT,  
MADURAI.
- 2 THE SUPERINTENDENT,  
CENTRAL PRISON, MADURAI.
- 3 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
THALLAKULAM,  
MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+2. CC to M/S.KATHIRESAN.A Advocate SR.No.7581

**ORDER**

**IN**

CRL OP(MD) No.9142 of 2023

Date :18/05/2023

SA/CG/SAR.3/19.05.2023/3P/7C