



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2023

PRESENT

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

CRL OP(MD) . No.9196 of 2023

Anandha Raj

... Petitioner/Petitioner

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Pudukottai, Pudukottai (District)
(In Crime No.2 of 2023).

... Respondent/Respondent

For Petitioner : M/s.Selvakumar.V.,
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.2 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 03.02.2023 for the offences punishable under Sections 5(1), 5(n) r/w 6(1) of Protection of Child from Sexual Offences Act, 2019 in Crime No.2 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner under the pretext of love and marriage had committed penetrative sexual assault on the minor victim girl, hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is ready and willing to marry the victim girl and he is also ready to file an undertaking affidavit before the trial Court to that effect. Hence, he prayed for bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent raised objection stating that this is the second



application for bail and the earlier application was dismissed by this Court in Crl.O.P.(MD)No.8121 of 2023, dated 28.04.2023. Now the investigation almost completed and they are going to file a final report. The petitioner is having no previous case.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the facts that the investigation almost completed and they are going to file a final report, 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 learned Sessions Judge, Mahila Court, Pudukottai 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 Sessions Judge stating that he is ready to marry the victim girl;

[d]the petitioner shall report before the respondent police daily at 10.30 A.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

/ TRUE COPY /

19/05/2023

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



TO

1 THE SESSIONS JUDGE, MAHILA COURT, PUDUKOTTAI.

2 THE OFFICER INCHARGE, DISTRICT JAIL, PUDUKOTTAI.

3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, PUDUKOTTAI
PUDUKOTTAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.9196 of 2023

Date :18/05/2023

RS/CG/SAR-3(18.05.2023) 3P 5C