



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.9203 of 2023

Sujith @ Sujithkumar

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Keeranur, Pudukottai District.
(Crime No.4 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Thalaimutharasu.G, 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.4 of 2023 on the file of the Respondent Police

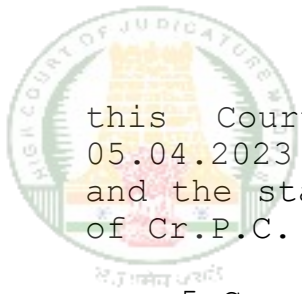
ORDER : The Court made the following order :-

The petitioner/Sole Accused who was arrested and remanded to judicial custody on 28.02.2023 for the offences punishable under Sections 5(j)(ii) r/w 6(1) of POCSO Act, 2019 in crime No.4 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein under the pretext of love, had committed penetrative sexual assault on the minor victim girl and also threatened here not to disclose the same to anyone, 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 third application for bail and the earlier applications were dismissed by



this Court in Crl.O.P.(MD)Nos.6107 and 7736 of 2023 dated 05.04.2023 and 25.04.2023. Now the investigation almost completed and the statement of the victim girl was recorded under Section 164 of Cr.P.C.

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, 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 Special Court for Exclusive Trial of Cases under POCSO Act, Pudukottai District, 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, failing which, the bail already granted shall stand dismissed automatically;

[d] the petitioner shall report before the respondent police alternative days at 10.30 A.M., for a period of three months and thereafter, every Sunday at 10.30 a.m. for a period of two weeks 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 JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
PUDUKOTTAI DISTRICT.

2 THE OFFICER INCHARGE, DISTRICT JAIL, PUDUKOTTAI.

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

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

+1 CC to M/s.THALAIMUTHARASU.G, Advocate (SR-7637[I] dated
19/05/2023)

ORDER

IN

CRL OP(MD) No.9203 of 2023

Date :18/05/2023

RS/CG/SAR-3(18.05.2023) 3P 6C