



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

Date : 05/06/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD). No.9661 of 2023

WEB COPY

Ayyanar

... Petitioner / Sole Accused

Vs

State rep by
The Inspector of Police,
Karuppayurani Police Station,
Madurai District.
(Crime No.56 of 2023.)

... Respondent / Complainant

For Petitioner : M/s.Rajini A, 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.56 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /Sole Accused who were arrested and remanded to judicial custody on 29.04.2023 for the offence under section 11(4) r/w 12 of POCSO Act, in Crime No.56 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that due to previous enmity, when the daughters of the defacto complainant travelling to school, he followed them in another Auto and forced them to get out of the auto and waived his hands towards them. Hence, the case.

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

4.It is seen that the petitioner made sign against the victim girl. Except this allegation, there are no allegation is against the petitioner.

5. Taking into consideration of the facts and submissions made by the learned counsels 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 related sureties** each for a like sum to the satisfaction of the learned Sessions Judge, Principal Special Court for Exclusive Trial of 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] the petitioner shall report before the respondent police morning at 10.30 A.M. And evening at 05.30 P.M for a period of four weeks and thereafter, as when required for interrogation;

[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].

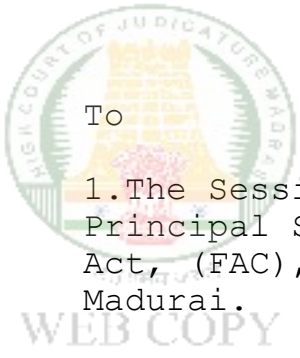
[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

[i] the petitioner shall file undertaking affidavit before the trial Court that he will not indulge in similar types of offences again. If the petitioner fails to comply with the said undertaking the respondent is at liberty to secure the petitioner and proceed in accordance with law.

sd/-
05/06/2023

/ TRUE COPY /

06/06/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



To

1.The Sessions Judge,
Principal Special Court for Exclusive Trial of Cases under POCSO
Act, (FAC),
Madurai.

2.The Inspector of Police,
Karuppayurani Police Station,
Madurai District.

3.The Superintendent,
Central Prison, Madurai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to M/s.A.RAJINI, Advocate, SR-8134(I), dated 06.06.2023

ORDER

IN

CRL OP(MD) No.9661 of 2023

Date :05/06/2023

ED/CG/SAR- (06/06/2023) 3P 6C