



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 21/06/2023  
PRESENT

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

CRL OP(MD) . No.11052 of 2023

M.Sakthivel

... Petitioner/Accused

**Vs**

The State rep.by  
The Inspector of Police,  
Thallakulam Police Station,  
Madurai City  
(Crime No.208 of 2023).

... Respondent/Complainant

For Petitioner : M/s.SENTHILKUMAR R,  
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.208 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 17.03.2023 for the offence punishable under Sections 366 of IPC and sections 5(1) and 6 of POCSO Act in crime No.208 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein had kidnapped the minor girl and committed penetrative sexual assault on the minor victim girl and also threatened her with dire consequences , hence the case.

3. Heard both sides and perused the materials available on record including the First Information Report and the statement of the victim recorded under section 164 of Cr.P.C.

4. It is seen from the statement recorded under Section 164 of Cr.P.C that the victim girl was aged about 17 years and 8 months and they both fell in love with each other. They decided to go for a trip to Kerala and they stayed in a room, however there was no



sexual assault by the petitioner herein. Taking into consideration 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 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 Cases, 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 daily at 10.30 A.M. for a period of two weeks and thereafter as and 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.

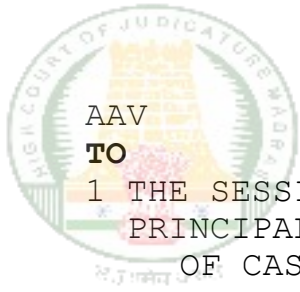
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21/06/2023

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21/06/2023

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



AAV

TO

1 THE SESSIONS JUDGE  
PRINCIPAL SPECIAL COURT FOR EXCLUSIVE TRIAL  
OF CASES UNDER POCSO ACT CASES, MADURAI.

2 THE SUPERINTENDENT,  
CENTRAL JAIL, MADURAI.

3 THE INSPECTOR OF POLICE,  
THALLAKULAM POLICE STATION,  
MADURAI CITY

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

+1. CC to M/S.SENTHILKUMAR R Advocate SR.No.9296 (I) Dt.21/06/2023

**ORDER**

**IN**

CRL OP(MD) No.11052 of 2023  
Date :21/06/2023

SA/VR/SAR. /21.06.2023/3P/6C