



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/06/2023

WEB COPY

PRESENT

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

CRL OP(MD). No.11535 of 2023

P.Kodiyarasan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Uthamapalayam, Theni District.
(Crime No.17/2023)

... Respondent/Complainant

For Petitioner : M/s.Rajaboopathy D,
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.17 of 2023 on the file of the respondent police

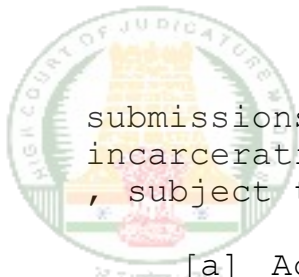
ORDER : The Court made the following order :-

The petitioner /sole accused who was arrested and remanded to judicial custody on 28.04.2023 for the offences under sections 7 r/w.8 of POCSO Act and sections 3(1)(w)(i) of SC/ST(POA) Act in Crime No.17 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner herein committed sexual assault on the minor victim aged about 13 years, hence the case.

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

4. A perusal of the statement recorded under section 164 of Cr.P.C reveals the fact that the petitioner herein hugged the minor victim girl. Except this no other allegation has been levelled against the petitioner. Taking into consideration the facts and



submissions made by the learned counsels and also the 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, Mahalir Neethimandram, Fast Track Mahila Court, Theni 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 four 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.

sd/-

27/06/2023

/ TRUE COPY /

27/06/2023

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

AAV

TO

- 1 THE SESSIONS JUDGE, MAHALIR NEETHIMANDRAM,
FAST TRACK MAHILA COURT, THENI.
- 2 THE OFFICER INCHARGE DISTRICT PRISON, THEGAMPATTI, THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, UTHAMAPALAYAM,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.11535 of 2023

Date :27/06/2023