



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/07/2023
PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.12984 of 2023

Muruganantham

... Petitioner/1st Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station, Aundipatti,
Theni District.
Crime No.5 of 2023.

... Respondent/Complainant

For Petitioner : M/s.APPADURAI K, Advocate
For Respondent : Mr.B.NAMBISELVAN,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.5 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /Accused, who was arrested on 12.03.2023 for the alleged offence under Sections 7,8,16 of POCSO Act, 2012 and Section 506(2) of IPC, in Crime No.5 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant, who is aged about 14 years is that her father died during the year 2021. She, her sister and brother were residing with their mother/A2, who had illegal intimacy with A1. A1 used to harass the defacto complainant and when the same was intimated to A2, she has not bothered about the same. Therefore, the defacto complainant had reported the same to her paternal grandfather. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case, on account of property dispute. He has not committed any offence as alleged by the prosecution. The petitioner is in custody from 12.03.2023. The co-accused/A2 has already been enlarged on bail. Hence, prays to release him on bail.



4.The learned Additional Public Prosecutor appearing for the respondent would submit though in this case, final report has been filed before the Mahila Court, Theni in Spl.S.C.No.73 of 2023, the petitioner/A1 had sexually harassed the defacto complainant and committed grave offence. Hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Perusal of CD file reveals that the first complaint given by the victim does not indicate the alleged abuse committed by the petitioner. It appears that there was a property dispute between the mother of the victim and the second accused, who is stated to be the paramour of the petitioner. The second accused has also appeared before the Investigation Officer and agreed to settle the entire property in favour of the victim. Due to which, some sort of trouble arose between the parties, later.

7.Considering the facts and circumstances of this case and the facts that the investigation has been completed and final report was filed and the same was taken on file as Spl.S.C.No.73 of 2023, that the co-accused has already been enlarged on bail and also considering the period of incarceration undergone by the petitioner from 12.03.2023, this Court is inclined to grant bail to the petitioner with certain conditions.

8.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned **Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court, POCSO Act Cases, Theni)**, and on further condition that the petitioner shall report before the concerned trial Court on all hearings without fail. Further the petitioner shall stay away from the occurrence village and report before the learned Judicial Magistrate No.I, Madurai, until further orders, except the hearing dates in Spl.S.C.No.73 of 2023 on the file of Sessions Court, Mahalir Neethimandram (Fast Track Mahila Court, POCSO Act Cases, Theni).

sd/-

17/07/2023

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17/07/2023

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



PNM
TO

1 THE SESSIONS JUDGE,
MAHALIR NETHIMANDRAM
(FAST TRACK MAHILA COURT),
POCSO ACT CASES, THENI.

2 THE OFFICER INCHARGE,
DISTRICT PRISON, K.VILAKKU, AUNDIPATTI,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, AUNDIPATTI,
THENI DISTRICT.

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

COPY TO:

1 THE JUDICIAL MAGISTRATE NO.I,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

+1. CC to Mr.K.APPADURAI, Advocate SR.No.10806

ORDER

IN

CRL OP(MD) No.12984 of 2023

Date :17/07/2023

SA/AKM/SAR. /17.07.2023/3P/8C