



CRL OP(MD). No.15543 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.15543 of 2023

Shanmuganathan

... Petitioner / Sole Accused

Vs

State Rep. by,
The Inspector of Police,
All Women Police Station,
Thilagar Thidal,
Madurai City.
(Crime No.27 of 2023).

... Respondent / Complainant

For Petitioner : Mr.P.Gopinath, 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.27 of 2023 on the file of the respondent police.



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ORDER: The Court made the following order :-

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The petitioner/Sole Accused who was arrested and remanded to judicial custody on 04.05.2023 for the offences punishable under Sections 5(l),5(n),5(m) and 6 of Protection of Children from Sexual Offences Act in Crime No.27 of 2023 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the accused is younger father-in-law of the defacto complainant. He used to come to the house of the defacto complainant. On 30.04.2023, the minor child complained about pain in chest and genital region. When the defacto complainant enquired the same, the minor child informed that the accused used to misbehave with her. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the petitioner is innocent and a false case has been foisted against him. He would further submit that due to civil dispute, the false case has been foisted against the petitioner. There is no previous case as against the petitioner and he is no way connected with the said occurrence. The petitioner is in custody for more than 110 days. Hence, he seeks bail.

4. The learned Additional Public Prosecutor would submit that investigation was over and charge sheet was filed in Spl.S.C.No.163 of 2023 before the Principal Special Court for POCSO Act Act Cases, Madurai. 164 Cr.P.C., statement was also recorded from the victim. Since the offences are grave in nature, he strongly



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opposed to grant bail to the petitioner.

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5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side and considering the fact that investigation was completed and charge sheet was also filed and also considering the period of incarceration, I am 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 Judge, Principal Special Court for POCSO Act Act Cases, Madurai and on further conditions that:

[b] the petitioner shall report before the Principal Special Court for POCSO Act Act Cases, Madurai daily at 10.30 A.M. until further orders.

[c] the petitioner shall not commit any offences of similar nature.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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



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released on bail by the learned Magistrate/Trial Court himself as laid down by the

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Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-
30/08/2023

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30/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MRN

To

1.The Judge,
Principal Special Court for POCSO Act Cases,
Madurai.

2.The Inspector of Police,
All Women Police Station,
Thilagar Thidal,
Madurai City.

3.The Superintendent,
Central Prison,
Madurai.

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

+1 CC to M/s.P.GOPINATH, Advocate (SR-12973[I] dated 30/08/2023)



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ORDER

IN

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Date :30/08/2023

ED/ /SAR- (30/08/2023) 5P / 6C

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