



CRL OP(MD)No.17957 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09.10.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.17957 of 2023

Samuthirapandi

... Petitioner/Sole Accused

Vs

**The State represented by
The Inspector of Police,
All Women Police Station,
Kadambur, Thoothukudi District.
(Cr.No.7 of 2023)**

... Respondent/Complainant

For Petitioner : Mr.S.Sarvagan Prabhu, Advocate

**For Respondent : Mrs.M.Aasha,
Government Advocate(Crl.side)**

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

PRAYER :-

For Bail in Crime No.7 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

**The petitioner, who was arrested and remanded to judicial custody on 19.08.2023
for the alleged offence punishable under Sections 7, 8, 11(1), 12 of POCSO Act in**

Crime No.7 of 2023, on the file of the respondent police, seeks bail.

<https://www.mhc.tn.gov.in/judis>



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2.The case of the prosecution is that on 11.08.2023, when the victim girl returned from tuition center, the petitioner herein, pulled her and made her to sit on his thigh and also pressed on her chest. Hence the case.

3.The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 19.08.2023 hence he seek bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent Police would submit that petitioner misbehaved with the victim girl and hence, she opposed to grant bail to the petitioner.

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

6.The learned Government Advocate(Crl.side) has produced Section 164 Cr.P.C., statement of the victim. I have gone through the statement and FIR. In the statement, the victim did not state about the sexual assault made by the petitioner.

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Under these circumstances and considering the nature of allegations and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[i] 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 Special Court for Exclusive trial of cases under POCSO Act, Thoothukudi and on further conditions that:

(ii) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(iii) the petitioner shall appear before the trial Court on summons.

(iv) the petitioner shall not tamper with evidence or witness;

(v) the petitioner shall not abscond during trial.



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vi) On breach of any of the aforesaid conditions, the learned 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].

vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
09/10/2023

(*)AMENDED AS PER ORDER OF THIS COURT DATED 17.10.2023 IN CRL MP(MD) NO.14708 OF 2023 IN CRL OP(MD)NO.17957 OF 2023

/ TRUE COPY /

17/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 09/10/2023 ALREADY DESPATCHED

1 THE JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, THOOTHUKUDI.



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2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KADAMBUR,
THOOTHUKUDI DISTRICT

(*) 3 THE OFFICER INCHARGE,
DISTRICT JAIL, PERURANI,
THOOTHUKUDI DISTRICT.

4 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI.

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

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-15311[I] dated 17/10/2023)

ORDER
IN
CRL OP(MD) No.17957 of 2023
Date :09/10/2023

SS/09/10/2023/5P/7C

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AAV

PKP/17.10.2023/ 5P/ 7C