



CRL OP(MD). No.18539 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/11/2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

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Sivayogaraja,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
All Women Police Station,
Kanyakumari.
Crime No. 31 of 2022.

... Respondent/Complainant

For Petitioner : M/s.EZHILARASU C,
Advocate.

For Respondent : Mrs.M.AASHA,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.31/2022 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 01.08.2023 for the alleged offence punishable under Sections 342 IPC and 3(A), 4, 5 (j)(ii) and 6 of POCSO Act, in Crime No.31 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had committed aggravated

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penetrative sexual assault on the victim girl, due to which, she became pregnant and subsequently, delivered a female child. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is suffering from paralysis and he submitted a medical report and also handed over the same to the prosecution. He would further submit that the petitioner is in jail from 01.08.2023 and hence, he seeks bail.

4. The learned Government Advocate (Crl. Side) on verification of the medical report of the petitioner would submit that the petitioner is suffering from paralysis and not able to move. He would further submit that the investigation of the case is pending.

5. Considering the medical report of the petitioner and also considering the physical condition of the petitioner and also taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40 and the nature of the offence alleged by the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- with two sureties each for a like sum to the satisfaction of the Special Judge for POCSO Act Cases at Nagercoil and on further conditions that:



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(i) the petitioner shall affix his photograph 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.

(ii) the petitioner shall appear before the trial Court on receipt of summons as directed by the trial Court.

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

(iv) the petitioner shall not abscond during trial.

(v) 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].

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

sd/-
16/11/2023

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16/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TRP

TO

1 THE SPECIAL JUDGE

FOR POCSO ACT CASES AT NAGERCOIL.

2 THE OFFICER INCHARGE,
SUB JAIL, NAGERCOIL.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANYAKUMARI.

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

+1 CC to M/s.S.K.S.PRABAKAR, Advocate (SR-16334[I] dated 16/11/2023)

ORDER
IN

CRL OP(MD) No.18539 of 2023

Date :16/11/2023

SA/SAR. /16.11.2023/4P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.