



CRL OP(MD). No.18696 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/10/2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

CRL OP(MD). No.18696 of 2023

M.Prabhakaran,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Aundipatti All Women Police Station,
Theni District.
(Crime No.25/2023).

... Respondent/Complainant

For Petitioner : Mr.K.DINESH,
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.25 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 22.07.2023 for the alleged offence punishable under Sections 9 of Child Marriage Act and 5(1), 6 of POCSO Act, 2012 in Crime No.25 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on promising to marry the defacto



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complainant the petitioner had penetrative sexual assault on her and subsequently, cheated her. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the petitioner is in jail from 24.09.2023 and hence, he seeks bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent submitted that on promising to marry the defacto complainant the petitioner had penetrative sexual assault on her and subsequently,, cheated her. He would further submit that the investigation of the case is pending.

5. Today, the victim is present before this Court and stated that she wants to live with the accused person and they are lovers.

6. Considering the nature of allegations made against the petitioner and also considering the period of incarceration 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.

7. Accordingly, the petitioner is ordered to be released on bail on condition to execute own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to



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the satisfaction of the Special Court for Exclusive Trial of POCSO Act Cases, Theni,
and on further conditions that:

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

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

(iii) the petitioner shall not abscond during trial.

(iv) 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].

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

sd/-
20/10/2023

/ TRUE COPY /

20/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO
1 THE JUDGE,

SPECIAL COURT FOR EXCLUSIVE TRIAL OF POCSO ACT CASES, THENI.

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



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2 THE OFFICER INCHARGE,
DISTRICT JAIL, THENI.

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

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

+1 CC to M/s.K.DINESH, Advocate (SR-15506[I] dated 20/10/2023)

ORDER IN
CRL OP(MD) No.18696 of 2023
Date :20/10/2023

SA/SAR. /20.10.2023/4P/6C

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