



CRL OP(MD)No.18799 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19.10.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.18799 of 2023

1.V.Alagar @ Alagarsamy

2.M.Bala @ Balasubiramani

... Petitioners/ Accused Rank Nos.1 to 2

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Virudhunagar,
Virudhunagar District.
(Crime No.16 of 2023)

... Respondent/Complainant

For Petitioners : Mr.D.Rajaboopathy, Advocate

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



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

WEB COPY

PRAYER :-

For Bail in Crime no.16 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 17.08.2023 for the alleged offence punishable under Sections 9(m) r/w 10 of POCSO Act, 2012 in Crime No.16 of 2023, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 16.08.2023, at about 08.30 pm., when the victim was playing in front of her house, the petitioners herein pulled her and sexually harassed her. Hence the case.

3.The learned counsel appearing for the petitioners would contend that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are in custody from 17.08.2023, hence he seeks bail.

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

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

6.Considering the facts and circumstances and 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 as against the petitioners, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[i] Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two



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sureties each for a like sum to the satisfaction of the Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Virudhunagar District at Srivilliputur 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 petitioners shall appear before the trial Court on summons.

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

(v) the petitioners shall not abscond during trial.

vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

19/10/2023

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19/10/2023

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

gns

TO

1. THE JUDGE ,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT, 2012,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTUR



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2.THE OFFICER IN CHARGE,
DISTRICT PRISON,
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.

3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.D.RAJABOOPATHY, Advocate (SR-15429[I] dated 19/10/2023)

ORDER

IN

CRL OP(MD) No.18799 of 2023

Date :19/10/2023

RS (19/10/2023) 4P / 6C

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