



CRL OP(MD)No.19053 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 30.10.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.19053 of 2023

Venkat @ Venkatesan

... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
Viralimalai Police Station,
Pudukkottai District.
(Crime No.433 of 2021)

... Respondent/Complainant

For Petitioner : Mr.D.Ramesh Kumar, 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.433 of 2021 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 11.04.2023
for the alleged offence punishable under Section 363 IPC and Sections 5(1) r/w 6(1)



CRL OP(MD)No.19053 of 2023

POCSO Amended Act 2019 in Crime No.433 of 2023, on the file of the respondent police, seeks bail.

WEB COPY

2.The case of the prosecution is that the defacto complainant is the maternal aunt of the victim girl. The victim girl eloped with the petitioner on 09.08.2021 and he had committed penetrative sexual assault on the victim girl. 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 11.04.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner had sexually assaulted the victim girl as of now, 12 witnesses were examined.

5.On perusal of records, it is noticed that out of 16 witnesses, 12 witnesses were examined and they are not supported the prosecution case. The statement of the victim also not supported the case.



CRL OP(MD)No.19053 of 2023

WEB COPY

6.Considering the above facts and circumstances of the case and 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 allegedly committed 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 a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned Sessions Judge/Mahila Court, Pudukkottai and on further conditions that:

- (i) the petitioner shall appear before the trial Court on receipt of summons
- (ii)the petitioner shall not tamper with evidence or witness;
- (iii)the petitioner shall not abscond during trial.



CRL OP(MD)No.19053 of 2023

(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/-
30/10/2023

/ TRUE COPY /

30/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

TO

- 1 THE SESSIONS JUDGE/
MAHILA JUDGE, PUDUKKOTTAI.
- 2 THE INSPECTOR OF POLICE
VIRALIMALAI POLICE STATION, PUDUKKOTTAI DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



WEB COPY



CRL OP(MD)No.19053 of 2023

ORDER
IN
CRL OP(MD) No.19053 of 2023
Date :30/10/2023

SS/SAR- /30/10/2023/5P/5C

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