



CRL OP(MD). No.19068 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/11/2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

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Archunan,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Thirumangalam All Women Police Station,
Madurai District.
(Crime No.32/2022).

... Respondent/Complainant

For Petitioner : Mr.S.SIVAPRAKASH,
Advocate.

For Respondent : M/s.M.AASHA,
Government Advocate(crl.side)

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

PRAYER :- For Bail in Crime No.32/2022 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 22.10.2022 for the offences punishable under Sections 376-AB, 294(b), 506 (i) of IPC and Sections 5(m) and 6 of POCSO Act in Crime No.32 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner has tried to intercourse with



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the victim girl. Hence, the case.

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3. The learned counsel appearing for the petitioner would submit that the petitioner was arrested in pursuance of the complaint before the respondent police in Crime No.32 of 2022 for the offences punishable under Sections 376-AB, 294(b), 506(i) of IPC and Sections 5(m) and 6 of POCSO Act. After investigation, charge sheet has been filed and now the trial has been commenced and two witnesses have been examined and the petitioner is in custody from 22.10.2022. He would further submit that there is no allegation of aggravative sexual assault upon the victim girl by the petitioner and the victim girl was examined as P.W.2. The deposition copy also filed before this Court. In the deposition, she stated about the sexual misbehavior against the accused and there is no allegation of sexual assault. Hence, he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent objected to grant bail and in this case, P.W.1 and P.W.2 have been examined and the case is posted for further examination of prosecution witnesses.

5. Heard. Perused the materials available on record including the First Information Report as well as the deposition copy.

6. I have gone through the deposition of the victim before the Court, in which, she stated about the sexual misbehavior of the accused.

7. Considering the facts and circumstances and also considering the period of



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incarceration and also the fact that there is no sexual assault made by the petitioner and 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, 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 learned Sessions Judge, Principal Special Court POCSO Act Cases, Madurai, 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 as directed by the trial Court;

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

(v) the petitioner 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 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



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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-
01/11/2023

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01/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO

1 THE SESSIONS JUDGE,
PRINCIPAL SPECIAL COURT POCSO ACT CASES,
MADURAI.

2 THE OFFICER INCHARGE,
DISTRICT JAIL, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
THIRUMANGALAM ALL WOMEN POLICE STATION,
MADURAI DISTRICT.

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

MADURAI

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



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+1 CC to M/s.S.SIVAPRAKASH, Advocate (SR-15776[I] dated 01/11/2023)

ORDER
IN
CRL OP(MD) No.19068 of 2023
Date :01/11/2023

SA/SAR. /01.11.2023/5P/6C

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