



CRL OP(MD)No.19377 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.10.2023

PRESENT

The Hon`ble Mr.Justice R.SAKTHIVEL

CRL OP(MD)No.19377 of 2023

V.Ramkumar

... Petitioner/ Accused/ Rank
Not Known

Vs

The Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar District.

... Respondent/ Complainant

For Petitioner : Mr.C.Suresh Kannan, Advocate

For Respondent : Mr.A.Thiruvadikumar
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.22 of 2023 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 08.07.2023 for the alleged offence under Sections 9(m) r/w 10 of POCSO Act and Section 3(1)(w)(i) of Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act, 1989 in Crime No.22 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 08.07.2023, the petitioner entered into the defacto complainant's house and sexually assaulted the victim girl. Hence, the defacto complainant preferred the complaint. Based on the same, the respondent police registered aforesaid case.

3.The learned counsel for the petitioner submitted that petitioner is innocent and he has not committed any offence as alleged by the prosecution. He further submitted the petitioner and defacto complainant have previous enmity pertaining to path way dispute and hence, the defacto complainant preferred a false complaint as against the petitioner. He also submitted that the petitioner is a law abiding citizen and he is ready to abide by any condition imposed by this Court. The petitioner is in judicial custody from 08.07.2023 and hence, he seeks bail.



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4.The learned Additional Public Prosecutor submitted that the investigation is completed and charge sheet is also filed on 04.09.2023. He has also placed a copy of the victim's statements recorded under Section 164 Cr.P.C., and medical records. He further submitted that if bail is granted, it will affect the trial and hence, he objected to grant bail.

5.Heard on both sides. This Court has perused the records.

6.Considering the period of incarceration and also considering the nature of allegations made against the petitioner and the nature of offence allegedly committed by the petitioner, this Court is inclined to grant bail to the petitioner with conditions.

7.Accordingly, this Criminal Original Petition is allowed subject to the following conditions:-

i)the petitioner is ordered to be released on bail, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Special Court for POCSO Act, Virudhunagar at Srivilliputhur.



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ii)the petitioner shall stay at Dindigul and report before the learned Judicial Magistrate, Dindigul daily at 10.30 a.m. and 5.30 pm until further orders.

iii)the petitioner should not enter into Kalkurichi, Virudhunagar District, till the completion of the trial.

iv)the petitioner shall not cause threat to the defacto complainant and witnesses.

v)on breach of any of the aforementioned conditions, the learned Magistrate/Special Judge under POCSO Act is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].

sd/-
26/10/2023

/ TRUE COPY /

27/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns

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TO
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- 1.The Judicial Magistrate, Dindigul.
2. Do through the Chief Judicial Magistrate, Dindigul.
3. The Special Court for POCSO Act,
Virudhunagar at Srivilliputhur.
- 4.The Officer Incharge
District Prison,
Virudhunagar.
- 5.The Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.C.SURESH KANNAN, Advocate (SR-15602[I] dated 26/10/2023)

ORDER

IN

CRL OP(MD) No.19377 of 2023

Date :26/10/2023

SSA/27.10.2023/5P/8C

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