



**CRL OP(MD). No.19524 of 2023**

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**( Criminal Jurisdiction )**

**Date : 30/11/2023**

**PRESENT**

**The Hon`ble Mr.Justice V. SIVAGNANAM**

**CRL OP(MD). No.19524 of 2023**

**Anthony Satvik,**

**... Petitioner/Single Accused**

**Vs**

**State Rep.by  
The Inspector of Police,  
All Women Police Station,  
Tiruchendhur,  
Thoothukudi District.  
Crime No. 2 of 2023.**

**... Respondent/Complainant**

**For Petitioner : P.Samuel Gunasingh, Advocate.**

**For Respondent : Mr.RMS.Sethuraman,  
Additional Public Prosecutor**

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

**PRAYER :-**

**For Bail in Crime No. 2 of 2023 on the file of the respondent police.**

**ORDER : The Court made the following order :-**

**The petitioner/ Accused, who was arrested and remanded to judicial custody**



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on 15.01.2023 for the alleged offence punishable under Sections 3,4, 5(m) and 6 of POCSO Act, in Crime No.2 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner herein took the victim, who is aged about 3 years, inside the dry fish shed and sexually assaulted her. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that there was a family dispute between the parties and hence, a false csae has been foisted against him. He would further submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and he is in jail from 15.01.2023 and hence, he seeks bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the investigation in this case has already been completed and the charge was filed before the concerned Court and the same is yet to be taken on file and she has also produced the medical report and statement of the victim.

5. Considering the medical report and the statement of the victim 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.



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6. 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 Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi and on further conditions that:

(i) the petitioner shall affix his photograph and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.

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

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

(iv) the petitioner shall not abscond during trial.

(v) 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].



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

sd/-  
30/11/2023

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30/11/2023  
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 CASES  
UNDER POCSO ACT, THOOTHUKUDI.
- 2 THE INSPECTOR OF POLICE  
ALL WOMEN POLICE STATION, TIRUCHENDHUR,  
THOOTHUKUDI DISTRICT.
- 3 THE SUPERINTENDENT,  
CENTRAL JAIL, PALAYAMKOTTAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.P.SAMUELGUNASINGH, Advocate ( SR-17082[I] dated 30/11/2023 )

ORDER

IN

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Date :30/11/2023

PKP/30.11.2023/ 5P/6C

Madurai Bench of Madras High Court is issuing certified  
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