



CRL OP(MD)No.20227 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15.11.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.20227 of 2023

Venkatesh @ Venkateswaran

... Petitioner / Accused No.4

Vs

The State rep by
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
(Crime No.16 of 2023)

... Respondent / Complainant

For Petitioner : Mr.V.Thirumal, 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.16 of 2023 on the file of the Respondent Police.



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ORDER: The Court made the following order :-

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The petitioner, who was arrested and remanded to judicial custody on 09.01.2023 for the alleged offence punishable under Sections 5(g), 5(l), 5(m) and 6 of the Protection of Children from Sexual Offences Act, 2012 in Crime No.16 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the accused persons sexually assaulted the minor son of the defacto complainant. 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 09.01.2023, hence he seeks bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent Police would submit that the investigation in this case is completed and charge sheet also filed, which was taken on file in Spl.S.C.No.47 of 2023 by the Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi.

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

6.Considering the facts and circumstances and also taking into consideration the period of incarceration 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 petitioners, 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 Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi 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 whenever the trial Court is directed to appear him.

(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 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/-
15/11/2023

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15/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

To

1.The Special Court for Exclusive Trial of Cases under POCSO Act,
Thoothukudi.

2.The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.

3.The Superintendent,
Central Prison,
Palayamkottai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.V.THIRUMAL, Advocate (SR-16274[I] dated 15/11/2023)



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ORDER

IN

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Date :15/11/2023

ED/ /SAR- (15/11/2023) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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