



CRL OP(MD). No.20171 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.20171 of 2023

Prabhu,

... Petitioner/ Accused No.1

Vs

State Rep.by

The Inspector of Police,

Thirumayam All Women Police Station,

Pudukkottai District.

Crime No.5 of 2023..

... Respondent/Complainant

For Petitioner : K.Sivabalan, Advocate.

For Respondent : Mrs.M.Aasha,

Additional Public Prosecutor

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

PRAYER :-

For Bail in Cr.No.5 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / accused No.1, who was arrested and remanded to judicial

custody on 22.08.2023 for the alleged offence punishable under Sections 5(1), 5(n)

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



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r/w. 6(1) of POCSO Amendment act, 2019, in Crime No.5 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim preferred a complaint to the Child Welfare Officer stating that she is aged about 15 years and she was sexually assaulted by the petitioner, who is the father of the victim and her relative. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the petitioner is in jail from 22.08.2023 and hence, he seeks bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the investigation of the case is pending.

5. Today, the victim is present before this Court and asked about the attitude of her father, she submitted that father not misbehaved with her, since her paternal uncle says she gave statement before the Court as her father misbehaved with her.

6. Considering the submission of the victim girl and also considering 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)

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1 SCC 40 and the nature of the offence alleged 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 own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the Sessions Mahila Court, Pudukkottai and on further conditions that:

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

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

(iii) the petitioner shall not abscond during trial.

(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].



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

229A IPC.

sd/-
16/11/2023

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16/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

- 1 THE SESSIONS MAHILA JUDGE
PUDUKKOTTAI.
- 2 THE INSPECTOR OF POLICE
THIRUMAYAM ALL WOMEN POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.K.SIVABALAN, Advocate (SR-16348[I] dated 16/11/2023)

ORDER
IN
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Date :16/11/2023

PKP/16.11.2023/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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