



CRL OP(MD). No.20230 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.20230 of 2023

Karthikeyan

... Petitioner/Sole Accused

Vs

The Inspector of Police,
All Women Police Station,
Tirumangalam Taluk,
Madurai District.
Cr.No.12/2023.

... Respondent/Complainant

For Petitioner : Mr.Ananthapadmanabhan, Senior Counsel
for M/s.APN Law Associates,

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. 12/2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

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The petitioner/ accused, who was arrested and remanded to judicial custody on 21.09.2023 for the alleged offence punishable under Sections 448, 506(i) IPC and Section 3(a), 4 of Protection of Children from Sexual Offences Act, 2012 r/w. Section 67B(b) of Information Technology Act, in Crime No.12 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 01.07.2023, when the defacto complainant's grand parents were not at home, the petitioner herein went there and forcefully had sexual intercourse with her. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is uncle of the victim girl and he expresses sorry for his behaviour before her and he is also having two female children and the petitioner is in jail from 21.09.2023 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 sheet is made ready for filing.



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5. Considering the nature of relationship and the family circumstances of 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)1 SCC 40 and the nature of the offence alleged by the petitioner, this Court is inclined to grant bail to the petitioner.

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 Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai 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 stay at Chengalpattu and sign before the Inspector of Police, Town Police Station, Chengalpattu daily at 10.30 am until further orders;



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(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].

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

sd/-
07/12/2023

/ TRUE COPY /

07/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP



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TO
WEB COPY

1. THE SESSIONS JUDGE,
PRINCIPAL SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER
POCSO ACT, MADURAI
2. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUMANGALAM TALUK,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSPECTOR OF POLICE, TOWN POLICE STATION, CHENGALPATTU

+1 CC to M/s.M/S.APN LAW ASSOCIATES, Advocate (SR-17408[I] dated
07/12/2023)

ORDER
IN

CRL OP(MD) No.20230 of 2023

Date :07/12/2023

RK (07/12/2023) 5P / 7C

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