



CRL OP(MD). No.20604 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.20604 of 2023

P.Madhan

... Petitioner / Sole Accused

Vs

The State represented by
The Sub Inspector of Police,
Seethaparanallur Police Station,
Tirunelveli District.
(Crime No.52 of 2022).

... Respondent / Complainant

For Petitioner : Mr.T.Thirumurugan, Advocate.

For Respondent : M/s.M.Aashaa,
Government Advocate (Crl.Side)

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

PRAYER :-

To enlarge the petitioner/sole accused on bail in Spl.case.No.74 of 2023 on the file of the Hon'ble Sessions Judge, Mahalir Neethimandram, Tirunelveli and pass such further or other orders



CRL OP(MD). No.20604 of 2023

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ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 23.10.2023 for the alleged offence punishable under Section 366 IPC and Sections 5(l), 6 of POCSO Act in Crime No.52 of 2022, on the file of the respondent police, seeks bail.

2.Earlier the petitioner was arrested and released on bail. Thereafter due to his illness the petitioner did not appear before the trial Court on 25.09.2023 and 10.10.2023 , hence Non Bailable Warrant was issued. The petitioner was arrested on execution of Non Bailable Warrant on 23.10.2023.

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 now the petitioner and the defacto complainant got married and they are living together. Further the petitioner is in custody from 23.10.2023, hence he seek bail.

4.The learned Government Advocate(Crl.Side) opposing the bail petition would submit that if the petitioner is released on bail, he may abscond again. However she fairly concedes that both petitioner and the defacto complainant got married and living together.



CRL OP(MD). No.20604 of 2023

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5. Considering the nature of allegations made against the petitioner and also considering the period of incarceration and taking note of the fact that the petitioner and the defacto complainant got married and living together 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 own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned Sessions Judge, Mahalir Neethimandram, Tirunelveli and on further conditions that:

- (i) the petitioner shall appear before the trial Court on receipt of summons
- (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].



CRL OP(MD). No.20604 of 2023

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229A IPC.

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21/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

To

1.The Sessions Judge,
Mahalir Neethimandram,
Tirunelveli.

2.The Sub Inspector of Police,
Seethaparanallur Police Station,
Tirunelveli District.

3.The Superintendent,
Central Jail,
Palayamkottai,
Tirunelveli.

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

+1CC to M/s.T.THIRUMURUGAN, Advocate, SR-16705(I), dated 22.11.2023



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CRL OP(MD). No.20604 of 2023

ORDER

IN

CRL OP(MD) No.20604 of 2023

Date :21/11/2023

ED/ /SAR- (16/11/2023) 5P / 6C

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