



CRL OP(MD). No.20634 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/11/2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

CRL OP(MD). No.20634 of 2023

Saravanan,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Theni Police Station,
Theni District.
(Crime No.327/2023).

... Respondent/Complainant

For Petitioner : Mr.S.VIKRAM, 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.327/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 10.07.2023 for the alleged offences punishable under Sections 9(n) and 10 of POCSO Act and Section 506(i) of IPC in Crime No.327 of 2023, on the file of the respondent police, seeks bail.

2.The petitioner is the father of the victim. The case of the prosecution is that the petitioner in a drunken mood on 06.07.2023 went inside the house of the victim and cuddled the victim and bitten her right chest. Hence the case.



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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 10.07.2023, hence he seeks bail.

4.The learned Government Advocate(Crl.Side) appearing for the respondent Police would submit that petitioner in a drunken mood on 06.07.2023 went inside the house of the victim and cuddled the victim and bitten her right chest and tried to mis behave with the victim, hence she objected to grant bail to the petitioner.

5. On perusal of the medical report and the statement of the victim recorded under Section 164 of Cr.P.C. it is revealed that the there is no allegation of penetrative sexual assault. Considering the facts and circumstances and also considering the period of incarceration and also taking into consideration the relationship between the petitioner and the victim 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, this Court is inclined to grant bail to the petitioner, 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 Special Court for Exclusive trial



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of cases under POCSO Act, Theni, Theni District and on further conditions that:

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(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 on receipt of summons as directed by the trial Court

(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].

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

sd/-
17/11/2023

/ TRUE COPY /

17/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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AAV

TO

1 THE JUDGE,

SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, THENI, THENI DISTRICT.

2 THE OFFICER INCHARGE, DISTRICT PRISON, THENI.

3 THE INSPECTOR OF POLICE,
THENI POLICE STATION, THENI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.VIKRAM, Advocate (SR-16416[I] dated 17/11/2023)

ORDER

IN

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Date :17/11/2023

SA/SAR. /17.11.2023/4P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.