



CRL OP(MD)No.21029 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 23.11.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.21029 of 2023

A.Ravi

... Petitioner / Sole Accused

Vs

The State rep by
The Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar District.
(Crime No.29 of 2023)

... Respondent / Complainant

For Petitioner : Mr.R.Manickam, 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.29 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 09.09.2023
for the alleged offence punishable under Sections 9(m) & 10 of the Protection of



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Children from Sexual Offences Act, 2012 in Crime No.29 of 2023, on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that on 11.06.2023, at about 11.00 am., when the victim girl went to the petitioner's shop, the petitioner sexually misbehaved with her. 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 09.09.2023, 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 and the same was taken on file in Spl. S.C.No.151 of 2023 by the Special Court for Exclusive Trial of Cases under POCSO Act 2012, Virudhunagar at Srivilliputhur.

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 petitioner, subject to the



following conditions:

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[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 of Cases under POCSO Act 2012, Virudhunagar at Srivilliputhur 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 Special Court whenever the Special Court is directed to appear.

(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/-
23/11/2023

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23/11/2023
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,
Virudhunagar District at Srivilliputhur.

2.The Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar District.

3.The Officer Incharge,
District Sub Jail,
Virudhunagar.

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

+1 CC to M/s.R.MANICKAM, Advocate (SR-16726[I] dated 23/11/2023)



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ORDER

IN

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Date :23/11/2023

ED/ /SAR- (23/11/2023) 5P / 6C

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