



CRL OP(MD)No.21088 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.21088 of 2023

Pitchaikani

... Petitioner / Sole Accused

Vs

State through
The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
(Crime No.228 of 2023)

... Respondent / Complainant

For Petitioner : M/s.D.Thilaga Rani, Advocate

For Respondent : M/s.M.Aasha,
Government Advocate(Crl.side)

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

PRAYER :-

For Bail in Crime No.228 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 04.07.2023
for the alleged offence punishable under Section 342 IPC and Section 9(m) r/w 10 of



CRL OP(MD)No.21088 of 2023

POCSO Act, 2012 and Section 3(1)(w)(i) of SC/ST (Prevention of Atrocities) Act, 1989

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in Crime No.228 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 18.06.2023, the petitioner herein sexually misbehaved with the victim girl. 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 04.07.2023, 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, which was taken on file in Spl.S.C.No.130 of 2023 by the Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Virudhunagar District at Srivilliputtur.

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 petitioners, subject to the following conditions:



CRL OP(MD)No.21088 of 2023

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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 District at Srivilliputtur 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 for Exclusive Trial of Cases under POCSO Act, 2012, Virudhunagar District at Srivilliputtur whenever the Special Court 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].



CRL OP(MD)No.21088 of 2023

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 Srivilliputtur.

2.The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.

3.The Officer Incharge,
District Prison,
Virudhunagar.

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

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-16736[I] dated 23/11/2023)



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CRL OP(MD)No.21088 of 2023

ORDER

IN

CRL OP(MD) No.21088 of 2023

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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