



CRL OP(MD). No.21510 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.21510 of 2023

Muniyasamy

... Petitioner/Sole Accused

Vs

The Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar District.
Cr.No.26/2023.

... Respondent/Complainant

For Petitioner : M/s.Muthu Rajan.K,
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. 26/2023 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 26.08.2023 for the alleged offence punishable under Sections 5(m), 5(n), 5(1) r/w. Section 6 of POCSO Act and Section 506(i) IPC, in Crime No.26 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 22.08.2023, at 2.30 pm the petitioner herein entered into the house of the defacto complainant and committed sexual assault on the victim girl, who is aged about 8 years and threatened her with dire consequences. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that due to previous motive the petitioner herein is falsely implicated in this case and he is in jail from 26.08.2023 and hence, he seeks bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner herein had committed sexual assault on the victim girl, who is aged about 8 years and the investigation in this case is pending.



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5. On perusal of the 164 statement and medical report it is noticed that the victim has not expressed upon the sexual assault.

5. Considering the 164 Statement of the Victim and also considering the medical report 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 Special Court for Exclusives Trial Cases under POCSO Act Cases, Virudhunagar at Srivilliputur 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.



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(ii) the petitioner shall appear before the trial Court once in a week ie., on every Monday at 10.30 am until further orders;

(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.



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TO



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1. The Judge,
Special Court for Exclusives Trial Cases under POCSO Act Cases,
Virudhunagar at Srivilliputtur
 2. The Officer in charge, District Jail, Virudhunagar.
 3. The Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.K.MUTHU RAJAN, Advocate (SR-17384[I] dated 07/12/2023)

ORDER
IN
CRL OP(MD) No.21510 of 2023
Date :07/12/2023

RK (07/12/2023) 5P / 6C
Madurai Bench of Madras High Court is issuing certified copies in this format from
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