



CRL OP(MD). No.21764 of 2023

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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.21764 of 2023

Karthick

... Petitioner / Accused No.1

Vs

The Inspector of Police,
Keeranur All Women Police Station,
Pudukkottai District.
(Crime No.19/2022).

... Respondent / Complainant

For Petitioner : M/s.Jegadeesha Pandian V M, Advocate.

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

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

PRAYER :-

To release the petitioner/accused No.1, on bail in connection with Spl.SC.No.08/2023 on the file of the Sessions Judge, Mahila Court, Pudukkottai.



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ORDER: The Court made the following order :-

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The petitioner/ A1, who was arrested and remanded to judicial custody on 26.12.2022 for the alleged offence punishable under Sections 5(1), 5(n) r/w. 6(1) of POCSO Act, 2019 and Sections 448, 294(b) and 506(i) IPC in Crime No.19 of 2022, the final report filed in Spl.S.C.No.08 of 2023 for the offence under Sections 5(1), 6(1) Of POCSO Act and Sections 447, 294(b), 506(i) on the file of the Sessions Judge, Mahila Court, Pudukkottai, seeks bail.

2. The case of the prosecution is that the petitioner on the pretext of love had committed penetrative sexual assault on the minor victim girl on several occasions and also threatened her with dire consequences. Hence the case.

3.The learned counsel appearing for the petitioner would submit that it is a second bail petition and the earlier petition filed by the petitioner was dismissed by this Court on 27.06.2023 in CrI.O.P(MD).No.11512 of 2023 and the petitioner is in jail from 26.12.2022 and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that eight prosecution witnesses have been examined. Further contended that the victim not supported the prosecution case and she has stated that only on compulsion of her mother, she has given a complaint.

5. On perusal of the deposition of the victim before the Court concerned it is



noticed that the victim has not supported the prosecution case and she deposed that she had love affair with the petitioner and the complaint was given only by her mother and thus, not supported the prosecution case and she was treated as a hostile witness.

6. Considering the deposition of the victim before the trial Court 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 own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned Sessions Judge, Mahila Court, Pudukkottai and on further conditions that:

(i) the petitioner shall appear before the trial Court on receipt of summons as directed by the trial Court.

(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



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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

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07/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

To

1.The Sessions Judge,
Mahila Court, Pudukkottai.

2.The Inspector of Police,
Keeranur All Women Police Station,
Pudukkottai District.

3.The Officer Incharge,
District Jail, Pudukkottai.

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

+1 CC to M/s.V.M.JEGADEESHA PANDIAN, Advocate (SR-17434[I] dated
07/12/2023)



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ORDER
IN
CRL OP(MD) No.21764 of 2023
Date :07/12/2023

ED/ /SAR- (07/12/2023) 5P / 6C

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