



CRL OP(MD). No.22107 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.22107 of 2023

Rajasundar

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Chatrakudi Police Station,
Ramanathapuram District.
Crime No.130/2023..

... Respondent/Complainant

For Petitioner : M/s.Sathish Kumar.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.130/2023 on the file of the respondent police.



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ORDER : The Court made the following order :-

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The petitioner/ sole accused, who was arrested and remanded to judicial custody on 10.11.2023 for the alleged offence punishable under Sections 377 IPC and 11(1) and 12 of POCSO Act in Crime No.130 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deefacto complainant had downloaded one “Grinder App” in his mobile and through that Application he got acquainted with the the petitioner. While so, on 18.11.2023, the petitioner called the defacto complainant to Variavanenthal Village near a pond and attempted to oral sex with the victim. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the petitioner is in jail from 10.11.2023 and hence, he seeks bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner is the sole accused and the victim boy is 17 years old



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and the investigation of the case is pending.

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5. Considering the 164 Statement of the victim and 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 Fast Track Mahila Court, Ramanathpuram 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.



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(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 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 Judge, Fast Track Mahila Court, Ramanathapuram
2. The Officer in charge, District Jail, Ramanathapuram.
3. The Inspector of Police,
Chatrakudi Police Station, Ramanathapuram District.



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

+1 CC to M/s.K.SATHISH KUMAR, Advocate (SR-17393[I] dated 07/12/2023)

ORDER
IN
CRL OP(MD) No.22107 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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