



CRL OP(MD). No.23008 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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1. Kayalvizhi

2. Annalakshmi @ Uma

... Petitioners/4th & 5th Accused

Vs

The Inspector of Police,
Cbcid Ramanathapuram Police Station,
Ramanathapuram District.
(Crime No.1/2023).

... Respondent/Complainant

For Petitioners : Mr.S.Anandha Rajagopal,
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.1/2023 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/ A4 and A5, who were arrested and remanded to judicial custody
on 04.03.2023 for the alleged offence punishable under Sections 363,366(A), 370(4) of



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IPC r/w.Section 5(l),5(g),6(1) 17 of POCSO Act in Crime No.1 of 2023, on the file of the respondent police, seek bail.

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2.The case of the prosecution is that 15 years old girl was sexually exploited by A1 to A5 in this case. The victim girl has been lured by the petitioner and another woman and left the victim to the hands of A1 on 26.12.2022 and taken to a private marriage hall at Parthibanoor and subjected to repeated aggravated penetrative sexual assault by A1 on various occasions. Thereafter on 12.02.2023 the petitioner allegedly took the victim in the car of A3 bearing Reg. No. TN 64 P 1206 in which A2 was also there. The victim girl was again taken to small hall where A2 and A3 forcibly committed penetrative sexual assault on her repeatedly at the same time. Hence the case.

3.The learned counsel appearing for the petitioners would contend that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the main accused is A1 and the petitioner is no way connected with the alleged occurrence and the petitioners are in custody from 04.03.2023, hence he seek bail.

4.The learned Government Advocate(Crl.Side) appearing for the respondent Police would submit that 15 years old girl was sexually exploited repeatedly by A1 to A5 on several occasions in this case, hence she objected to grant bail to the



petitioners. However he fairly concedes that A1 was released on bail.

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5.Considering the facts and circumstances and also considering the period of incarceration and also taking into consideration the fact the main rapist namely A1 was released on bail 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*, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[i] Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the Mahila Fast Track Court, Ramanathapuram 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 petitioners shall appear before the trial Court on receipt of summons;

(iv) the petitioners shall not tamper with evidence or witness;

(v) the petitioners 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 petitioners in accordance



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with law as if the conditions have been imposed and the petitioners 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].

vii)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
20/12/2023

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20/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

- 1 THE JUDGE,
MAHILA FAST TRACK COURT, RAMANATHAPURAM.
- 2 THE INSPECTOR OF POLICE
CBCID RAMANATHAPURAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M.DINESH, Advocate (SR-18092[I] dated 20/12/2023)



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ORDER
IN
CRL OP(MD) No.23008 of 2023
Date :20/12/2023

SS/SAR- /20/12/2023/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023