



CRL OP(MD)No.1070 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21.02.2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD)No.1070 of 2024

Selvaganesh

... Petitioner/Sole Accused

Vs

The State Rep.by
The Inspector of Police,
AWPS Police Station,
Kovilpatti Taluk,
Thoothukudi District.
(Crime No.10 of 2023)

... Respondent/Complainant

For Petitioner : Mr.K.Sankar, Advocate

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.10 of 2023 on the file of the respondent police.



CRL OP(MD)No.1070 of 2024

ORDER: The Court made the following order :-

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The petitioner / sole accused, who was arrested and remanded to judicial custody on 14.12.2023 for the alleged offence punishable under Sections 5(1)(j)(ii) r/w 6 POCSO Act 2012 and Section 506(2) IPC in Crime No.10 of 2023, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner and the victim girl loved each other. On 17.02.2023, the petitioner came to the victim's house and took the victim to one Paulraj stella's house, wherein, he committed penetrative sexual assault on her by giving false promise of marriage and thereby, the victim girl became pregnant. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. In fact, the petitioner and the victim girl loved each other and the petitioner is ready to marry the victim girl, after attaining major. The petitioner also filed undertaking affidavit stating that he will marry the victim girl, after she attaining major. Accordingly, he prayed to grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit on perusal of statement of the victim girl recorded under Section 164

Cr.P.C., reveals that the victim girl and the petitioner loved each other and with her

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CRL OP(MD)No.1070 of 2024

consent, they had physical relationship. Now the petitioner ready to marry the girl.

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Hence, this Court may pass appropriate orders.

5.Considering the facts and circumstances of the case and considering the fact that the petitioner filed an undertaking affidavit stating that he will marry the victim girl and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail on his executing 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 POCSO Act, Thoothukudi and on further conditions that:

(a) the sureties shall affix their photographs 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;

(b) the petitioner is directed to appear before the respondent police daily at 10.30 A.M., until further orders;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;



CRL OP(MD)No.1070 of 2024

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(e)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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
21/02/2024

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21/02/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns
TO

- 1.The Special Judge, for Exclusive Trial of POCSO Act,
Thoothukudi.
- 2.The Officer Incharge,
Thoothukudi District Jail,
Thoothukudi.
- 3.The Inspector of Police,
AWPS Police Station,
Kovilpatti Taluk,
Thoothukudi District.

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CRL OP(MD)No.1070 of 2024

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

+1 CC to M/s.K.SANKAR, Advocate (SR-2207[I] dated 21/02/2024)

ORDER
IN

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Date :21/02/2024

SSA//SAR-(21.02.2024) 5P 6C

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