



CRL OP(MD). No.1636 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Ragu

... Petitioner/Sole Accused

Vs

**The Sub-Inspector of Police,
All Women Police Station,
Palayamkottai,
Tirunelveli District.
In Crime No.1 of 2024.**

... Respondent/Complainant

**For Petitioner : Mr.V.Angusamy,
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.1 of 2024 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 04.01.2024 for the offences punishable under Sections 448, 506(i) of IPC and Sections 7 and 8 of POCSO Act, 2012, in Crime No.1 of 2024, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the victim girl is aged about 15 years, studying 10th standard and she made a complaint that her mother is a deserted women, who is a beautician and taking advantage of her family situation, the petitioner misbehaved with the victim girl. Hence, the present complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any allegations as alleged by the prosecution. The victim girl's mother is a deserted women and the petitioner is a close relative of them. Considering the situation, the petitioner identified a lease house and handed over the same to the victim girl and her mother. After one year, the mother of the victim girl developed illegal relationship with one Balasubramanian and the same



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was objected by the petitioner. In order to wreck vengeance, the false complaint has been registered. He would further submit that the petitioner is in judicial custody for more than 40 days. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is a priest and the defacto complainant is the close relative of the petitioner and taking advantage of this situation, he misbehaved with the victim girl. He would fairly conceded that there is no physical relationship between the petitioner and the victim girl and there is only bad touch. Hence, he strongly objected to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report, statement recorded under Section 164 Cr.P.C.

6.Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, there is only alleged bad touch done by the petitioner with the victim girl, this



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Court is inclined to grant bail to the petitioner with certain conditions.

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7. Accordingly, this Criminal Original Petition is ordered and 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 learned Special Judge, Special Court for POCSO Act Cases, Tirunelveli, 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;



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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.

(M D I J)
14.02.2024

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M.DHANDAPANI,J

Indu

TO

- 1.The Special Judge, Special Court for POCSO Act Cases,
Tirunelveli.
2. Do-Through The Chief Judicial Magistrate,
Tirunelveli District.
- 3.The Superintendent,
Central Prison, Palayamkottai.
- 4.The Inspector of Police,
All Women Police Station,
Tirunelveli District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

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