



CRL OP(MD). No.2561 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.2561 of 2024

Ishwarya

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Tirunelveli Town Awps,
Tirunelveli District.
(Crime No.2 of 2024).

... Respondent/ Complainant

For Petitioner : Mr.S.Veilmuthu
Advocate.

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

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

PRAYER :-

To Enlarge the petitioner on Bail in Crime No.2 of 2024 on the file of the respondent police



CRL OP(MD). No.2561 of 2024

ORDER : The Court made the following order :-

The petitioner / A2, who was arrested and remanded to judicial custody on 22.01.2024 for the alleged offence punishable under Sections 7 and 8 of POCSO Act and Section 363 and 506(i) I.P.C. in Crime No.2 of 2024 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner along with another accused kidnapped the victim girl and sexually abused her and threatened her. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has not committed any such offence as alleged by the prosecution. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police has produced 164 Cr.P.C., statement of the victim girl and he vehemently opposed for grant of bail to the petitioner herein.



CRL OP(MD). No.2561 of 2024

WEB COPY

5. This Court perused the 164 Cr.P.C. statement of the victim girl. On perusal of the same, it is seen that the petitioner is an auto driver and she accompanied with the first accused and committed the crime.

6. Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on her 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 Sessions Judge 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 as and when required for interrogation;



CRL OP(MD). No.2561 of 2024

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(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;

(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/-
19/02/2024

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19/02/2024
Sub-Assistant Registrar (CO)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

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CRL OP(MD). No.2561 of 2024

TO
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1. The Special Sessions Judge for
POCSO Act Cases, Tirunelveli.
 2. The Officer in charge, Sub Jail, Kokkirakulam,
Tirunelveli.
 3. The Inspector of Police,
Tirunelveli Town Awps,
Tirunelveli District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.S.VEILMUTHU, Advocate (SR-2018[I] dated 19/02/2024)

ORDER
IN
CRL OP(MD) No.2561 of 2024
Date :19/02/2024

RK/ (19/02/2024) 5P / 6C
Madurai Bench of Madras High Court is issuing certified copies in this format from
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