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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.3897 of 2024

Kalirajan,

... Petitioner/Sole Accused

Vs

The State Rep by
The Inspector of Police,
All Women Police Station,
Sivakasi,
Virudhunagar District.
Crime No.01/2024.

... Respondent/Complainant

For Petitioner : M/s.Manikandan A,
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.01/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 09.01.2024, for the offences punishable under Section 9(m) r/w Section

10 of POCSO Act, in Crime No.01 of 2024, on the file of the respondent police, seeks

<https://www.mhc.tn.gov.in/judis>

bail.



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2.The case of the prosecution is that the petitioner abused the victim girl. Thereby, the defacto complainant made a complaint before the respondent police against the petitioner.

3.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and due to previous motive, the defacto complainant gave a false complaint against him and he is in judicial custody since 09.01.2024. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent strongly opposed the grant of bail stating that the petitioner abused the victim girl, who is aged about 11 years.

5.Heard the learned counsel on either side and on perusal of the statement of the victim girl recorded under Section 164 of Cr.P.C., revealed that no serious allegation was made against the petitioner.

6.Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner and no serious allegation was made against the petitioner, this court is inclined to grant bail to the petitioner with certain conditions.



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 Court for Exclusive Trial of Cases under POCSO Act, 2012 Virudhunagar District at Srivilliputhur (Full Additional Charge) 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;

(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/-
12/03/2024

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12/03/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. The Judge, Special Court for Exclusive Trial of Cases under POCSO Act, 2012 Virudhunagar District at Srivilliputhur (Full Additional Charge)
2. The Officer Incharge, District Jail, Virudhunagar.
3. The Inspector of Police,
All Women Police Station,
Sivakasi,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



+1. CC to M/S.MANIKANDAN .A Advocate SR.No.3049

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ORDER
IN

CRL OP(MD) No.3897 of 2024

Date :12/03/2024

SSA (12.03.2024) 5P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.