



Crl.OP(MD)No.4256 of 2024

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)**

Dated: 22/03/2024

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.4256 of 2024

Esakkiammal : Petitioner/Single Accused

Vs.

**State by
The Inspector of Police,
Karivalamvanthannallur Police Station,
Tenkasi.
(Crime No. 161 OF 2023)**

: Respondent/Complainant

For Petitioner : Mr.N.Sankar Ganesh,Advocate

**For Respondent : Mr.R.Suresh Kumar
Government Advocate(Criminal side)**

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

PRAYER:-For Bail in Crime No.161 of 2023 on the file of the Respondent Police.

ORDER: The Court made the following order:-

The petitioner, who is arrayed as sole accused was arrested on 08/07/2023 for the alleged offence under section 174 Cr.P.C @ 302 IPC r/w Section 75 of Juvenile Justice Act, in Crime No.161 of 2023 on the file of the respondent police, seeks bail.

2.The petitioner is facing the charge under section 174 Cr.P.C @ 302 IPC r/w



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section 75 of Juvenile Justice Act.

3.Heard both sides.

4.The earlier application filed by the petitioner was dismissed by this court in Crl.OP(MD)No.19479 of 2023, dated 01/11/2023 with the following observation:-

“5.The learned Additional Public Prosecutor would submit that after completing the investigation final report has been filed before the committal Court namely Judicial Magistrate Court, Sankarankoil and committal process is underway.

6.Let the above said committal process be completed by the Judicial Magistrate, Sankarankovil, within a period of fifteen days from the date of receipt of a copy of this order. After committal process is over, the Sessions Court shall commence the trial immediately. After examination of material witnesses are over, the petitioner is at liberty to move the concerned trial court itself for bail without approaching this court, repeatedly.”

5.After that, this petition came to be filed by the petitioner stating that the above said order is not complied by the committal court.

6.A report has been called for from the committal court. Report has been received stating that PRC No.89 of 2023 was committed. But due to certain defects, it



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came to be returned by the concerned POCSO Court.

7. Clarification was sought from the learned counsel appearing for the petitioner. He has submitted that by mistake, the case was committed to POCSO Court, Tirunelveli. Later, it was clarified. Because of the clarification only, now the committal process is pending.

8. Considering the above said development and also considering the fact that the petitioner is in custody ever-since from the date of arrest, this court is inclined to grant bail to the petitioner with certain conditions. 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 Judicial Magistrate, Sankarankovil, Tenkasi District and on further condition that the petitioner shall appear before the above said court daily at 10.00 am, until further orders.

sd/-
22/03/2024

/ TRUE COPY /

22/03/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ER



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TO
WEB COPY

- 1 THE JUDICIAL MAGISTRATE,SANKARANKOVIL
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KARIVALAMVANTHANNALLUR POLICE STATION,
TENKASI.
- 4 THE OFFICER INCHARGE
SPECIAL PRISON FOR WOMEN, KOKKIRAKULAM, TIRUNELVELI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.SHANKAR GANESH, Advocate (SR-3586[I] dated 22/03/2024)

ORDER

IN

CRL OP(MD) No.4256 of 2024

Date :22/03/2024

PKP/22.03.2024/ 4P/ 7C

Madurai Bench of Madras High Court is issuing certified
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