



CRL OP(MD). No.4707 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/04/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.4707 of 2024

Periyasamy,

... Petitioner/ Accused No.1

Vs

1. The Inspector of Police,
Aruppukottai All Women Police Station,
Virudhunagar District.
Crime No. 25 of 2023.

..Respondent/Complainant

2. Xxxx,
Xxxx,
Xxxx.

... Victim

For Petitioner : M/s.Suresh.P,Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 25 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The respondent police registered a case as against this petitioner in Crime No.25 of

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



CRL OP(MD). No.4707 of 2024

2023 for the offence under Sections 5 (l)5(n), 5(j) (ii) r/w. Section 6 of POCSO Act and Section 506(i) I.P.C and remanded him into judicial custody on 28.07.2023. Therefore, the petitioner has filed this petition seeking bail.

2. The case of the prosecution is that the petitioner is said to have committed sexual assault with his daughter, who is aged about 14 years, and also criminally intimidated here.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, he is languishing in Jail from 28.07.2023 and he is in jail for the past 265 days.

4. The learned Additional Public Prosecutor appearing for the respondent opposes for grant of bail on the ground that the investigation is pending. He further submits that the petitioner is involved in a similar case. The petitioner is a H.I.V patient and the victim was subjected for test and it reports that there is no infection on the victim.

5. Considering the facts and circumstances of the case and considering the period of incarceration, this Court is inclined to grant bail to the petitioner.



CRL OP(MD). No.4707 of 2024

WEB COPY

6. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail on the following condition

i) on the petitioner executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the Special Court for Exclusive Cases under the POCSO Act, Virudhunagar at Srivilliputhur.

ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;

iii) The petitioner shall file an affidavit that he will never visit the village where the wife and child are living. The petitioner shall stay at Selam, and shall appear before the Inspector of Police, Hasthampatti Police Station, Salem District, daily at 10.30 a.m. until further orders. He has to co-operate for the investigation.

iv) The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. He shall be available for the trial as well.



CRL OP(MD). No.4707 of 2024

WEB COPY

v) On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the bail.

sd/-
18/04/2024

/ TRUE COPY /

18/04/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LS

TO

- 1 THE SPECIAL JUDGE
FOR EXCLUSIVE CASES UNDER THE POCSO ACT,
VIRUDHUNGAR DISTRICT @ SRIVILLIPUTHUR.
- 2 THE INSPECTOR OF POLICE
ARUPPUKOTTAI ALL WOMEN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE
HASTHAMPATTI POLICE STATION, SALEM DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



CRL OP(MD). No.4707 of 2024

WEB COPY

+1 CC to M/s.P.SURESH, Advocate (SR-4641[I] dated 18/04/2024)

ORDER
IN
CRL OP(MD) No.4707 of 2024
Date :18/04/2024

PKP/18.04.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
copies in this format from 17/07/2023