



CRL OP(MD). No.4840 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Sonai

... Petitioner/Sole Accused

Vs.

The Inspector of Police,
Sholavandan Police Station,
Madurai District.
(In Crime No.98 of 2023.)

... Respondent/Complainant

For Petitioner : Mr.T.Gopala Krishnan, 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.98 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 25.04.2023 for the offences punishable under Sections 377 of IPC and Section



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3(a) and 4 of Protection of Child from Sexual Offences Act, 2012 @ Sections 3(a) r/w.

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4(2) of the POCSO Act, and Sections 377 and 506(i) of IPC, in Crime No.98 of 2023, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 22.04.2023, when the defacto complainant's grandson, who was studying 9th standard (aged 15 years) went to attend his natural call at Vaigai river, the petitioner forcibly had unnatural physical relationship with him. 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. He would further submit that the petitioner is in judicial custody for more than 11 months. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that after completing an investigation, Charge Sheet has been filed in Spl.S.C.No.186 of 2023 on the file of the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai. Further, one previous case is pending against the petitioner, which is not in similar nature. Since the petitioner committed the heinous nature of offence, he vehemently opposed to grant bail to the petitioner.

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



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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, 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 Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai, 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 concerned trial Court on each and every hearing date, failing which, the bail granted to the petitioner shall stand automatically cancelled;

(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



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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/-
27/03/2024

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27/03/2024
Sub-Assistant Registrar (Liasoning)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

To

1.The Sessions Judge,
Principal Special Court for Exclusive Trial of Cases under POCSO Act,
Madurai.

2.The Inspector of Police,
Sholavandan Police Station,
Madurai.

3.The Superintendent,
Central Prison, Madurai.



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4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to M/s.T.GOPALA KRISHNAN, Advocate, SR No.3927(I), dated 28/03/2024

ORDER
IN
CRL OP(MD) No.4840 of 2024
Date :27/03/2024

ED/ /SAR- (27/03/2024) 5P / 6C

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