



CRL OP(MD). No.5393 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.5393 of 2024

Kabilkannan @ Kannan

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Aranthangi All Women Police Station,
Pudukkottai District.
(Crime No. 2 of 2024).

... Respondent/Complainant

For Petitioner : M/s.B.Prasanna Vinoth, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.2/2024 on the file of the Respondent Police.



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ORDER: The Court made the following order :-

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The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 23.02.2024 for the offences punishable under Sections 5(I), 5(j)(ii), 6(1) of Protection of Child from Sexual Offences Act, 2012, 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 had sexual intercourse with the victim girl by giving a false promise that he will marry her. After knowing the information that she become pregnant, he refused to marry her. Now, a male baby was born to the victim girl on 29.01.2024. Hence, the complaint.

3. Earlier, when this petition came up for hearing on 10.04.2024, the learned counsel appearing for the petitioner submitted that the petitioner is no way responsible for the child born to the victim girl and he is also ready to subject himself for DNA test. Considering the said submissions, this Court, granted interim bail to the petitioner till 10.06.2024. Thereafter, the matter was periodically adjourned, since the DNA report was not received and finally, the matter was ordered to be listed today.

4. Today, when the matter is taken up for consideration, the status report was filed before this Court. From the perusal of the Status Report, it is seen that the medical report was received on 25.06.2024 and it was found that the petitioner is



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excluded from the paternity of the male child. Based on the results, enquiry was conducted with the victim girl. On enquiry, it was came to know that she was already sexually abused by one Vigneswaran, who is a married man and neighbour of the victim girl and he was also arrested on 13.07.2024.

5. Considering the facts and circumstances of the case and also considering the submissions made on either side, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is ordered. The petitioner has already executed a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties each for a like sum to the satisfaction of the learned Session Judge (FAC) Mahila Court, Pudukkottai, at the time of releasing him on interim bail granted by this Court on 10.04.2024. The petitioner is ordered to be released on the said bond as already executed by him. The petitioner shall fulfill the following conditions:

i) The petitioner shall appear before the respondent Police as and when required for interrogation. He has to co-operate for the investigation.

ii) 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.



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

sd/-
30/07/2024

/ TRUE COPY /

05/08/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

To

1.The Sessions Judge (FAC),
Mahila Court, Pudukkottai.

2.The Inspector of Police,
Aranthangi All Women Police Station,
Pudukkottai District.

3.The Officer Incharge,
District Prison, Pudukkottai.

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

ORDER
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Date :30/07/2024



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ED/ /SAR- (05/08/2024) 5P / 5C

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