



CRL OP(MD).No.6477 of 2024

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

Date : 30.04.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

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1. Jefrin

2. Revindo

... Petitioners / Accused No.1 & 2

Versus

The Inspector of Police,
All Women Police Station,
Tiruchendur,
Thoothukudi District.
(Crime No.10 of 2023)

... Respondent / Complainant

For Petitioners : Mr.R.Anand, Advocate
For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

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

PRAYER :-

For Bail in Special S.C.No.57 of 2023 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi.

ORDER : The Court made the following order :-

The respondent police registered a case as against the petitioners in Crime No.10 of 2023 for the offence under Sections 5(g) r/w. 6 of Protection of Children



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from Sexual Offences Act, 2012 and remanded them into judicial custody on 11.04.2023. Therefore, the petitioners have filed this petition seeking bail.

2. The second petitioner/ A2 is the friend of the first petitioner/ A1. The case of the prosecution is that A1 fell in love with the victim and during the month of July 2021, when the victim was standing in front of St.Joseph Charity in Adaikalapuram, A1 came there in a two-wheeler and took the victim on his two-wheeler and thereafter, they went to Tiruchendur and booked a room, where, the accused persons committed aggravated penetrative sexual assault on her repeatedly and recorded the same in their mobile phones.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. However, they are languishing in Jail from 11.04.2023. He further submits that on his advice, both the petitioners have filed separate affidavit by giving the following undertakings:

“(i) I would not, for any reasons, enter into the ward where the alleged victim of the present is presently residing with her husband and family i.e. No.29A, Therespuram Main Road, Thoothukudi – 628 001.

(ii) I will not either threaten or influence the witnesses shown in the charge sheet including the alleged victim, more particularly, I will not



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make any sort of communication either in electronic version or through media podcast with the alleged victim.

(iii) I will not make use of “WhatsApp” facility on my mobile phone which would be under my usage after I coming out on bail till the criminal case is over.

(iv) I will not have a discussion with others except my counsel with regard to the facts of the present case, more particularly about the details of the alleged victim. I make it very clear that at no point of time the facts of the present case would be a matter of talk of the town at their instance.

(v) I would also extend my fullest co-operation for the effective progress of the case in hand before the trial Court and if needed, I would also submit myself before the Investigating Officer for any queries cropped up in connected with the investigation.

(vi) I give a further undertaking that whatever the condition as imposed by this Hon'ble Court feels it is imperative, I am prepared to accept the same and I would also make it clear that in the event of anyone of violation of conditions as directed, the bail granted may be cancelled without reference to this Hon'ble Court.



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(vii) I would also ensure in all times, in order to know my track of physical access and vicinity wherever I am being there, my google timeline as well as GPS available in my mobile phone would certainly be under operation.”

4. The learned Additional Public Prosecutor appearing for the respondent submits that in this case, charge sheet has been filed and the same was taken on file in Special S.C.No.57 of 2023 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi.

5. Considering the period of incarceration, also considering the undertaking affidavit filed by the petitioners and filing of the final report, this Court is inclined to grant bail to the petitioners.

6. Accordingly, this Criminal Original Petition is ordered and the petitioners are ordered to be released on bail

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

ii) The petitioners and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the government in



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proof of their residence address;

iii) The petitioners shall stay at Nagapattinam and report before the Inspector of Police, Nagapattinam Town Police Station daily at 10.30 a.m. until further orders. They have to co-operate for the investigation.

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

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

sd/-
30/04/2024

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30/04/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

1.The Judge,
Special Court for Exclusive Trial of Cases under POCSO Act,
Thoothukudi.



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2.The Inspector of Police,
All Women Police Station,
Tiruchendur, Thoothukudi District.

3.The Superintendent,
Central Prison,
Palayamkottai, Tirunelveli District.

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

Copy to:

The Inspector of Police,
Nagapattinam Town Police Station,

+1 CC to M/s.R.ANAND, Advocate (SR-5150[I] dated 30/04/2024)

ORDER
IN

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Date :30/04/2024

ED/ /SAR- (30/04/2024) 6P / 7C

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