



CRL OP(MD). No.6873 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/05/2024

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

CRL OP(MD). No.6873 of 2024

Ajith @ Ajithkumar,

... Petitioner/ Accused

Vs

The Inspector of Police,
Rajathanai Police Station,
Theni.

Cr.No.57/2024.

... Respondent/ Complainant

For Petitioner : M/s.Ayyinar Prem Kumar.S, Advocate

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No. 57/2024 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 12.03.2024, for the offence under Sections 294(b), 506(i) IPC and Sections 7, 8 of POCSO Act in Crime No.57 of 2024 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the petitioner had sexually harassed the victim, who is aged about 14 years and also criminally threatened her. Hence, the complaint.

3.The learned counsel appearing 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 12.03.2024. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police strongly opposes for grant of bail to the petitioner and submits that after investigation, a final report has been filed before the concerned Court and the same was taken on file. The statement of the victim recorded under 164 Cr.P.C is not supporting the case of the prosecution.

5.Considering the facts and circumstances of the case, statement of the victim under Section 164 of Cr.P.C and also taking note of the period of incarceration, this Court is inclined to grant bail to the petitioner with some stringent conditions.



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6. Accordingly, 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 learned Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Theni and on further conditions that :-

- a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;
- b) the petitioner shall report before the respondent police daily at 10.30 a.m, until further orders;
- c) the petitioner shall not abscond either during investigation or trial;
- d) the petitioner shall not tamper with evidence or witness either during investigation or trial;
- e) On breach of any of the aforesaid conditions, the learned Judge/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 is released on bail by the learned Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];



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f) If the accused thereafter absconds, a fresh FIR can be registered under

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Section 229A IPC.

sd/-
22/05/2024

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

PNM
TO

1 THE JUDGE,
PRINCIPAL SPECIAL COURT FOR EXCLUSIVE TRAIL
OF CASES UNDER POCSO ACT,
THENI.

2 THE INSPECTOR OF POLICE,
RAJATHANAI POLICE STATION,
THENI.

3 THE OFFICER INCHARGE,
SUB JAIL, THENI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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+1 CC to M/s.S.AYYANAR PREM KUMAR, Advocate (SR-5620[I] dated 22/05/2024
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ORDER
IN
CRL OP(MD) No.6873 of 2024
Date :22/05/2024

SA/SAR. /23.05.2024/5P/C

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