



CRL OP(MD). No.7286 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/06/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.7286 of 2024

Sathishkumar @ Sathish

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Illupur AWPS Police Station.
Pudukottai.
(Crime No.3 of 2024)

... Respondent/Complainant

For Petitioner : M/s.K.Dinesh, 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 Crime No.3 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested on 05.04.2024 for the offences punishable under Sections 5(l), 5(j)(ii) r/w. Section 6(1) of POCSO Amendment Act 2019 and Section 506 (ii) of IPC, in Crime No.3 of 2024 on the file of the respondent police, seeks bail.

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



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2. The case of the prosecution is that the first accused had sexual intercourse with the defacto complainant. Thereafter, the petitioner, by blackmailing the defacto complainant, also had sexual intercourse with her. Due to which, she became pregnant and she gave birth to a child. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution. To wreak vengeance, a false complaint has been foisted against the petitioner.

4. The learned Additional Public Prosecutor submits that in this case, there are 2 accused. Based on the complaint of the defacto complainant, this petitioner is added as A2. Admittedly, the victim was having a relationship with A1. Based on the statement of the victim, the petitioner/A2 was also subjected by the police for D.N.A test. However, the D.N.A test does not reveal his role on the child born to the victim. It reveals that the first accused is the father of the child.

5. Considering the facts and circumstances of the case, the period of incarceration and considering the materials and the fact that the investigation is also completed, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail with certain conditions:

i) on the petitioner executing a bond for a sum of Rs.25,000/- (Rupees Twenty



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Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Mahalir Court, Pudhukottai.

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 appear before the respondent police 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. She shall be available for the trial as well.

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/-

04/06/2024

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04/06/2024

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

LS
TO

1 THE SESSIONS JUDGE, MAHALIR COURT, PUDUKKOTTAI DISTRICT.

2 THE INSPECTOR OF POLICE, ILLUPUR AWPS POLICE STATION,
PUDUKOTTAI.

3 THE OFFICER INCHARGE, DISTRICT JAIL, PUDUKKOTTAI.

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

+1 CC to M/s.K.DINESH, Advocate (SR-6084[I] dated 04/06/2024)

ORDER

IN

CRL OP(MD) No.7286 of 2024

Date :04/06/2024

RS//SAR-(04.06.2024) 4P 6C

Madurai Bench of Madras High Court is issuing
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