



CRL OP(MD). No.7467 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.7467 of 2024

S.Aravinth

... Petitioner/ Accused No.4

Vs

The Inspector of Police,
All Women Police Station,
PapanasamThanjavur District.
(Crime No.32 of 2023)

... Respondent/Respondent

For Petitioner : M/s.K.Chinraj, 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.32 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested on 21.12.2023 for the offences punishable under Sections 5(g), 5(l), 6, 9(g), 9(l), 10, 13(a), 14(1) of POCSO Act, in Crime No.32 of 2023 on the file of the respondent police, seeks bail.

2. The case of prosecution is that the accused persons have sexually assaulted

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CRL OP(MD). No.7467 of 2024

the victim girl, who is aged about 17 years. Hence, the complaint.

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3.The learned counsel for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. The petitioner is in custody from 22.12.2023. Hence, he prays to release him on bail.

4.The learned Additional Public prosecutor would submit that the petitioner and other accused have committed sexual assault against the victim, who is a minor. To substantiate the commission of the offence by the accused, he has produced the statement of victim recorded under Section 164 of Cr.P.C. Hence, prayed to dismiss the petition.

5.The petitioner is charged for the offences under Sections Sections 5(g), 5(l), 6, 9(g), 9(l), 10, 13(a) and 14(1) of POCSO Act. The investigation is completed and final report has also been filed. As per the final report, the petitioner is said to have taken a video on the sexual act committed by A1 and A2. The investigation reveals that the phone in which the offence was videographed, belongs to A1. Admittedly, the petitioner had not committed any sexual assault on the victim.

6.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.

7.Accordingly, this Criminal Original Petition is ordered and the petitioner is



CRL OP(MD). No.7467 of 2024

ordered to be released on bail with certain conditions:

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

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CRL OP(MD). No.7467 of 2024

TO

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1 THE JUDGE,
PRINCIPAL SPECIAL COURT FOR EXCLUSIVE TRIAL
OF CASES UNDER POCSO ACT,
THANJAVUR DISTRICT.

2 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
PAPANASAM, THANJAVUR DISTRICT.

3 THE OFFICER INCHARGE, SUB JAIL, PAPANASAM.

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

+1 CC to M/s.K.CHINRAJ, Advocate (SR-6071[I] dated 04/06/2024)

ORDER

IN

CRL OP(MD) No.7467 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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