



CRL OP(MD). No.7951 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/07/2024

PRESENT

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

CRL OP(MD). No.7951 of 2024

Ramesh,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
All Women Police Station,
Valliyoor,
Tirunelveli District.
Cr.No.3/2019.

... Respondent/Complainant

For Petitioner : Mr.D.Venkatesh,
Advocate.

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

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

PRAYER :-

For Bail in Cr.No.3/2019 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



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on 29.07.2023 for the offences punishable under Sections 376, 506(i) IPC and Sections 6, 5(1) and 5(j)(ii) of POCSO Act in crime No.3 of 2019 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein had raped the victim, who was studying 7th standard and also threatened her with dire consequences stating that not to disclose the fact to anyone. Hence, the complaint.

3.The learned counsel for the petitioner would submit based on the NBW issued by the trial Court, the petitioner herein was arrested and remanded to judicial custody on 29.07.2023 and he undertakes to appear before the trial Court in all future hearings and seeks to enlarge him on bail.

4.The learned Additional Public Prosecutor would submit that the petitioner herein was absconded for the last two years and the trial is yet to be completed and hence, he strongly opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner on certain



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conditions.

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6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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 the learned Sessions Judge, Special Court for POCSO Act Cases, Thirunelveli and on further conditions that;

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner shall appear before the trial Court on all future hearing dates without fail;

(iii) the petitioner shall not tamper with evidence or witness;

(iv) the petitioner shall not abscond during trial.

v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial



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Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

vi)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
08/07/2024

/ TRUE COPY /

08/07/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

- 1 THE SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
THIRUNELVELI.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, VALLIYOOR,
THIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.



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

+1 CC to M/s.D.VENKATESH, Advocate (SR-7612[I] dated 08/07/2024)

ORDER
IN
CRL OP(MD) No.7951 of 2024
Date :08/07/2024

SS/SAR- /08/07/2024/5P/6C

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