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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/06/2024

PRESENT

THE HON`BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). No.8559 of 2024

R.Sundaralingam ... Petitioner/Accused No.2

Vs

The Inspector Police,
All Women Police Station, Kanyakumari.
(Crime No.36/2021). ... Respondent/Complainant

For Petitioner :Mr.RTL. Chandar,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

To enlarge the petitioner on bail in Special CC No.82/2022 on the file of the Special Court for Exclusive Trial of Cases under the POCSO Act,Nagercoil, Kanyakumari District.

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ORDER : The Court made the following order :-

The petitioner/A2, who was arrested for the alleged offence under Sections 366, 450, 506(ii) of IPC and Section 5(1), 17, 6, 11(4), 11(5), of POCSO Act, 2012 in Spl.CC No.82 of 2022 on the file of the Special Court for Exclusive trial of cases under the POSCO Act, Nagercoil, Kanyakumari, seeks bail.

2.The case of the prosecution is that on 29.09.2021, the first accused kidnapped the victim girl with the help of the second accused and taken her to a Poultry farm of the third accused, where the first accused committed sexual assault on the victim girl for a period of seven days. The petitioner is arrayed as A2.

3.The petitioner was granted bail initially and thereafter, on the application filed by the defacto complainant that he has intimidated the defacto complainant not to depose as against him, the bail granted to the petitioner was cancelled by this Court by order dated 15.06.2023 in Crl.OP(MD) No.9607 of 2023. Thereafter, the petitioner was secured on 17.06.2023 and he is in jail for the past one year.

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4. The learned counsel for the petitioner submits that the petitioner has filed an affidavit of undertaking that he will not indulge in any offence in future and he will not visit the defacto complainant's Village.

5.The learned Additional Public Prosecutor appearing for the respondent police opposes for grant of bail to this petitioner that his conduct in threatening the witness in earlier occasion has to be considered.

6. Considering the facts and circumstances of this case, considering the period of incarceration and also the fact that the petitioner has filed an affidavit of undertaking that he will not visit the defacto complainant's Village and he will not indulge in any offence, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail on the following conditions:-

i) The petitioner shall execute 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 learned Special Judge, Special Court for exclusive trial of cases under POCSO Act, Nagercoil.

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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 stay at Tuticorin and report before the Inspector of Police, Muthiapuram Police Station 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. The petitioner 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/-
18/06/2024

/ TRUE COPY /

18/06/2024
Sub-Assistant Registrar (VIGILANCE)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vrn

TO
1.THE SPECIAL JUDGE, SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT, NAGERCOIL.

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2.THE OFFICER IN CHARGE, SUB PRISON, NAGERCOIL.

3.THE INSPECTOR POLICE,
ALL WOMEN POLICE STATION, KANYAKUMARI.

4.THE INSPECTOR OF POLICE,
MUTHIAHPURAM POLICE STATION,
TUTICORIN.

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

COPY TO

THE INSPECTOR OF POLICE, MUTHIAPURAM POLICE STATION,
TUTICORIN

+1 CC to M/s.RTL.CHANDAR, Advocate (SR-6596[I] dated 18/06/2024)

ORDER
IN
CRL OP(MD) No.8559 of 2024
Date :18/06/2024

RK (18/06/2024) 5P / 8C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023

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