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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/06/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.9231 of 2024

Thivakaran, ... Petitioner/Sole Accused

Vs

The Inspector of Police,
All Women Police Station,
Theni District.
in Crime No.8/2024. ... Respondent/Complainant

For Petitioner : M/s.Jerin Mathew.M.,
Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

PRAYER :- For Bail in Crime No.08 of 2024 on the file of the respondent police.
ORDER : The Court made the following order :-

The respondent police registered a case as against this petitioner in Crime No.8 of 2024 for the offence under Sections 8 and 12 of the Protection of Child from Sexual Offences Act, 2012 and remanded him into judicial custody on 28.04.2024. Therefore, the petitioner has filed this petition seeking bail.

2.The case of the prosecution is that when the victim girl went for nature call, the accused followed her in auto and thereafter, came behind her and grabbed her.

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Thereafter, she ran away from the occurrence place. Hence, the case.

3.The learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, the petitioner is in jail for the past 58 days. The period for statutory bail, ie.60 days, is also nearing and the respondent police has not filed the final report so far. The petitioner is not having any bad antecedent. Therefore, he prayed for appropriate orders.

4.The learned Additional Public Prosecutor appearing for the respondent opposes for grant of bail on the ground that the investigating agency has fixed the petitioner herein as accused, after ascertaining the CCTV footages, which is available at the place where he stopped the auto. He further submits that there is no previous case against the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration and the fact that he is not having any antecedent, 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

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

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to the satisfaction of the learned Principal Sessions Court for Exclusive Trial of Cases under POCSO Act, Theni.

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 twice ie. at 10.30 a.m. and at 05.30 p.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/-
24/06/2024

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24/06/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE PRINCIPAL SESSIONS JUDGE
FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
THENI.

2 THE OFFICER INCHARGE,
DISTRICT JAIL, THENI.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THENI DISTRICT.

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

ORDER IN
CRL OP(MD) No.9231 of 2024
Date :24/06/2024

SA/SAR. /24.06.2024/4P/5C

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