



CRL OP(MD).No.9538 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 05.07.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.9538 of 2024

S.Selvin

... Petitioner/ Accused No.1

Versus

State Rep. by
The Inspector of Police,
All Women Police Station,
Kanniyakumari District.
(Cr.No.36 of 2021)

... Respondent/ Complainant

For Petitioner : Mr.J.Senthil Kamariah, 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.36 of 2021 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.36 of 2021 for the offence under Sections 366, 450, 506 (ii) of IPC and Sections



CRL OP(MD).No.9538 of 2024

5(a)(L), 6(1), 11(4), 11(5) and 17 of POCSO Act., and remanded him into judicial custody on 17.06.2023. Therefore, the petitioner has filed this petition seeking 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 A1.

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. Thereafter, the petitioner was secured on 17.06.2023 and he is in jail for the past one year.

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 opposed 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 the case, the period of incarceration and also considering the fact that the petitioner has filed an affidavit of



CRL OP(MD).No.9538 of 2024

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

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 learned Special Judge, Special Court for exclusive trial of cases under POCSO Act, Nagercoil.

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 appear 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 her 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,



CRL OP(MD).No.9538 of 2024

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the respondent police shall move an application for cancellation of the
bail.

sd/-
05/07/2024

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05/07/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

JBR

To

1.The Special Judge,
Special Court for exclusive trial of cases under POCSO Act,
Nagercoil.

2.The Inspector of Police,
All Womens Police Station,
Kanyakumari District.

3.The Officer Incharge,
Sub Jail,
Nagercoil.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Inspector of Police,
Muthiapuram Police Station,
Thoothukudi District.



CRL OP(MD).No.9538 of 2024

+1 CC to M/s.J.SENTHIL KUMARAIAH, Advocate (SR-7461[I] dated 05/07/2024)

ORDER
IN
CRL OP(MD) No.9538 of 2024
Date :05/07/2024

ED/ /SAR- (05/07/2024) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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