



CRL OP(MD).No.9547 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.06.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.9547 of 2024

Prabakaran @ Pudhumalar Prabakaran

... Petitioner/ Accused No-2

Versus

State rep. by
The Inspector of Police,
CBCID Ramanathapuram,
(Cr.No.1 of 2023)

...Respondent/ Complainant

For Petitioner : Mr.V.Kathiravelu, Senior Counsel
for M.S.Jeyakarthik, 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.1 of 2023 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.1

of 2023 for the offence under Sections 363, 366(A), 376(3), and 5(1), 6,16 and 17 of

<https://www.mhc.tn.gov.in/judis>



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Protection of Children From Sexual Offences Act in Spl.C.C.No.34 of 2023 on the file of the Sessions Judge (Fast Track Mahile Court), Ramanathapuram, and remanded him into judicial custody on 03.03.2023. Therefore, the petitioner has filed this petition seeking bail.

2. The case of the prosecution is that the petitioner along with the other accused had taken a 15 years old girl child to a hotel and committed penetrative sexual assault on her. On the complaint of the victim girl on 02.03.2023 this case was registered. This victim girl was subjected for sexual harassment by one Sigamani and another accused also. The case was initially registered in Crime No.5 of 2023 on the file of the All Women Police Station and later on it was transferred to CB-CID, Ramanathapuram. The CB-CID, Ramanathapuram has filed two final reports in Spl.SC.No.33 of 2023 and Spl.SC.No.34 of 2023 for the alleged incident. Hence, the case.

3. The learned Senior 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, he is languishing in jail from 03.03.2023. Therefore, he prays for grant of bail.



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4. The learned Additional Public Prosecutor appearing for the respondent produced the statement of the victim girl recorded under Section 164 Cr.P.C and submits that the victim girl aged about 15 years was subjected to sexual harassment by the petitioner and other accused.

5. In this case the main accused Sigamani was released on bail and though the said bail was cancelled by this Court, the Hon'ble Supreme Court has granted interim stay and on account of that the said accused is at large. The fact remains that the trial commenced, victim was examined on 30.07.2024 and the victim in her evidence has not stated anything as against this petitioner.

6. Considering the period of incarceration and the victim girl has not supported the trial, this Court is inclined to grant bail to the petitioner.

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 Sessions Judge (Fast Track Mahila Court), Ramanathapuram.



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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 appear before the respondent 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. 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/-
28/06/2024

/ TRUE COPY /

28/06/2024
Sub-Assistant Registrar
(C.S.I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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jbr/vrn
TO

- 1 THE SESSIONS JUDGE
FAST TRACK MAHILA COURT, RAMANATHAPURAM.
- 2 THE INSPECTOR OF POLICE
CBCID, RAMANATHAPURAM.
- 3 THE OFFICER INCHARGE
DISTRICT JAIL, RAMANATHAPURAM.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-7139[I] dated 28/06/2024)

ORDER
IN
CRL OP(MD) No.9547 of 2024
Date :28/06/2024

PKP/28.06.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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