



CRL OP(MD). No.10439 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 12/07/2024

PRESENT

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

CRL OP(MD). No.10439 of 2024

Thangapandi

... Petitioner/Sole Accused

Vs

The Inspector of Police,  
Nagamalaipudukottai Police Station,  
Madurai District,  
Crime No.463/2019

... Respondent/Complainant

For Petitioner : M/s.J.Mohamed Selvam, Advocate.

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

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

PRAYER :-

To release the petitioner/sole accused on bail in Spl.SC.No.39/2020 in Crime No.463/2019 on the file of Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 20.03.2024 on execution of NBW in connection with Spl.S.C.No.39 of 2020 for the offences punishable under Section 5(m) r/w. Section 6 and under Section 4(2) of



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POCSO Act, 2012 and under Section 377 IPC in crime No.463 of 2019 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that the petitioner herein had committed the offence of penetrative sexual assault against the victim, who is aged about 7 years. Hence, the complaint.

3. The learned counsel for the petitioner would submit that on execution of NBW the petitioner herein was arrested and he is in judicial custody from 20.03.2024, hence, he may be granted bail.

4. The learned Additional Public Prosecutor would submit that the petitioner herein was already arrested and released on bail. Due to the non-appearance of the petitioner, he was arrested on execution of NBW and out of 14 witnesses 3 witnesses have been examined.

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 conditions.

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 Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai and



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on further conditions that;

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(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 concerned Court on each and every hearing date 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 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/-  
12/07/2024

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12/07/2024  
Sub-Assistant Registrar (C.S.1)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.



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TO

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1 THE PRINCIPAL SPECIAL JUDGE FOR EXCLUSIVE  
TRIAL OF CASES UNDER POCSO ACT, MADURAI.

2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE, NAGAMALAIPUDUKOTTAI POLICE STATION,  
MADURAI DISTRICT.

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

+1 CC to M/s.J.MOHAMED SELVAM, Advocate ( SR-7837[I] dated 12/07/2024 )

ORDER

IN

CRL OP(MD) No.10439 of 2024

Date :12/07/2024

RS//SAR-(12.07.2024) 4P 6C

Madurai Bench of Madras High Court is issuing  
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