



CRL OP(MD). No.10239 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/07/2024

PRESENT

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

CRL OP(MD). No.10239 of 2024

V.Sathiya Sheela,

... Petitioner/ Accused No.9

Vs

The Inspector of Police,
CBCID, Pudukottai District,
Cr.No.2 of 2023.

... Respondent/Complainant

For Petitioner : M/s. Suresh.P,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.2 of 2023 on the file of the respondent police



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ORDER : The Court made the following order :-

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The petitioner/Accused, who was arrested and remanded to judicial custody through PT Warrant on 30.05.2024 for the offences punishable under Section 174 Cr.P.C., @ Sections 120(B) and 306 IPC in crime No.2 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein has committed the offence under the POCSO Act and that the FIR has been registered based on the complaint given by the victim. The petitioner herein and other accused have threatened the victim to close the complaint, but, the same has not been done by her. Hence, out of frustration, the victim had committed suicide. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been false implicated in this case. He would further submit that the petitioner is in judicial custody from 31.05.2024, hence, he may be granted bail.

4.The learned Additional Public Prosecutor would submit that the co-accused



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already released on bail and further the offence committed by the petitioner is grievous in nature. He would further submit that investigation of the case is pending and hence, strongly opposed to grant bail to the petitioner.

5. Considering the submissions made by the learned counsel on either side and also considering the period of incarceration and that the co-accused already released on bail, 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 learned Judicial Magistrate No.II, Pudukkottai District and on further condition that;

(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 respondent Police daily at 10.30 until

further orders;

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



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(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].

vii)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
18/07/2024

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18/07/2024
Sub-Assistant Registrar (CS -II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP



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TO
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1. THE JUDICIAL MAGISTRATE NO.II, PUDUKKOTTAI DISTRICT
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
CBCID, PUDUKOTTAI DISTRICT,
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10239 of 2024
Date :18/07/2024

RK (18/07/2024) 5P / 6C

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