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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 26.07.2024
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).Nos.11297, 11300, 11304 & 11305 of 2024

Katturaja ... Petitioner/Accused
(In all petitions)

Versus

State Rep. by
The Inspector of Police,
Puliyangudi Police Station,
Tenkasi District.
Cr.No.109, 110, 108 and 107 of 2024 ... Respondent/Complainant
(In all petitions)

In all the Petitions:

For Petitioner : Mr.S.Sivakumar, Advocate

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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 Nos.109, 110, 108 and 107 of 2024 on the file of the Respondent Police.
ORDER : The Court made the following order :-

The respondent police registered a case as against the petitioner in Crime Nos. 107 to 110 of 2024 for the offence under Sections 5(m), 5(1), 6, 9(m), 9(1), 10 of

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Protection of Children from Sexual Offences Act, 2012 and Section 506(1) of IPC and remanded him into judicial custody on 07.03.2024. Therefore, the petitioner has filed these petitions seeking bail.

2. The case of the prosecution is that all the four cases are similar in nature. The defacto complainants are neighbours of the petitioner. During the month of May 2023, when the minor children of the defacto complainants were playing in front of their house, the petitioner is alleged to have taken them into his house with bad intention and molested them.

3. The learned Counsel for the petitioner submits that he has advised the petitioner to shift his family from the place of occurrence and the petitioner has also shifted from the place of occurrence. Further, he submits that the petitioner is prepared to file an affidavit of undertaking that he will not meet the victims and he will not harass the prosecution witnesses also.

4. The learned Additional Public Prosecutor appearing for the respondent opposed for grant of bail on the ground that considering the the nature of allegation, this Court had dismissed the earlier application by order dated 10.06.2024. Further, he submits that the investigation has already been completed and a final report has been filed before the concerned Court and the same was taken on file in STC.Nos.131, 132, 115 and 120 of 2024.

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5. Considering the period of incarceration and also considering the stage of investigation that the final report has already been filed, this Court is inclined to grant bail to the petitioner and the trial Court is directed to conclude the trial as expeditiously as possible.

6. Accordingly, these Criminal Original Petition are 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 Court of Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli.

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 concerned Court daily at 10.30 a.m. until further orders . He has to co-operate for the investigation. The petitioner shall also file an affidavit of undertaking before the respondent police that he will not reside in the place of occurrence and he will not harass the witnesses.

iv) The petitioner shall not misuse the liberty granted to him by

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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/-
26/07/2024

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26/07/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

JBR
TO
1 THE SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
PULIYANGUDI POLICE STATION,
TENKASI DISTRICT.

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

+4 CC to M/s.S.SIVAKUMAR, Advocate (SR-8705, 8706, 8707 & 8708[I] dated 26/07/2024)

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ORDER
IN
CRL OP(MD).Nos.11297, 11300, 11304 & 11305 of 2024
Date :26/07/2024

SA/SAR. /26.07.2024/5P/9C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.

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