



CRL OP(MD). No.11402 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/07/2024

PRESENT

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

CRL OP(MD). No.11402 of 2024

Elangovan,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Theni All Women Police Station,
Theni District,
Crime No.14/2024.

... Respondent/Complainant

For Petitioner : Mr. C.Saravanakumar,Advocate.
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec. 483 of BNSS

PRAYER :-

For Bail in Crime No.14/2024 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody



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on 17.06.2024 for the offences punishable under Sections 7 & 8 of Protection of Child from Sexual Offences Act, 2012, in crime No.14 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the victim girl is aged about 11 years and studying 6th standard. The petitioner is aged about 48 years. In a drunken mode, he sexually abused the victim girl. Hence, the complaint.

3.The learned counsel for the petitioner the petitioner is innocents and he has not committed any offence as mentioned in the FIR. He would further submit that the petitioner is in judicial custody from 17.06.2024 and hence he may be granted bail.

4.The learned Additional Public Prosecutor would submit that the petitioner herein committed sexual assault upon the victim girl, who is aged about 11 years. Still 12 witnesses have been examined and the investigation is yet to be completed. Hence, he vehemently, opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the



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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 Special Court for Exclusive Trial of Cases Under POCSO Act, Theni.

(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 report before the respondent police daily at 10.30 a.m., until further orders;

(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].

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



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vi) If the accused thereafter abscond, a fresh FIR can be registered under Section

229A IPC.

sd/-
24/07/2024

/ TRUE COPY /

25/07/2024
Sub-Assistant Registrar
(C.S.I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

- 1 THE SPECIAL COURT
FOR EXCLUSIVE TRIAL OF CASES UNDER
- 2 THE OFFICER INCHARGE,
DISTRICT JAIL, THENI..
- 3 THE INSPECTOR OF POLICE
THENI ALL WOMEN POLICE STATION,
THENI DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.C.SARAVANA KUMAR, Advocate (SR-8570[I] dated 25/07/2024)

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ORDER
IN

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Date :24/07/2024

PKP/25.07.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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