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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).No.11627 of 2024

Ananthan

... Petitioner/Sole Accused

Versus

State Rep. by
The Sub-Inspector of Police,
South All Women Police Station,
Madurai City.
(Cr.No.38 of 2023)

... Respondent/Complainant

For Petitioner : Mr.A.R.Kannappan, Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor (Crl.Side)

PETITION FOR BAIL Under Sec.483 of B.N.S.S. U/s 439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.38 of 2023 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



No.38 of 2023 for the offence under Section 5(1) r/w. Section 6 of POCSO Act, 2012

@ under Section 5(1) r/w. Sections 6 and 14(1) of POCSO Act, 2012 and Sections 201, 506(ii) of IPC and remanded him into judicial custody on 02.01.2024. Therefore, the petitioner has filed this petition seeking bail.

2. The case of the prosecution is that the accused has sexually assaulted the victim girl from the year 2016, a minor then, who is now aged about 19 years. Hence, the case.

3. The learned Counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. However, he is languishing in jail from 02.01.2024.

4. The learned Additional Public Prosecutor appearing for the respondent opposed for grant of bail on the ground that considering the the nature of offence, this Court had dismissed the earlier application by order dated 04.06.2024. Further, he submits that the investigation has already been completed and a final report has been filed in Spl.S.C.No.25 of 2024 before the learned Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai.

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 take the final report on file and to conclude the trial as expeditiously as possible.



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

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 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 that he will not disturb the victim and the witness in future.

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/-
26/07/2024

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

jbr

TO

- 1 The Judge,
Principal Special Court for Exclusive Trial of Cases under POCSO Act,
Madurai.
- 2 THE INSPECTOR OF POLICE
SOUTH ALL WOMEN POLICE STATION,
MADURAI CITY.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.R.KANNAPPAN, Advocate (SR-8673[I] dated 26/07/2024)



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ORDER
IN
CRL OP(MD) No.11627 of 2024
Date :26/07/2024

MK/26.07.2024 5P 6C

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