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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/07/2024

PRESENT

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

CRL OP(MD). No.12031 of 2024

Sivasakthi Vel,

... Petitioner/Sole Accused

Vs

The State Rep.by
The Inspector of Police,
Mudukulathur Police Station,
Ramanathapuram District.
(In Crime No.54 of 2024).

... Respondent/Complainant

For Petitioner : M/s.Rajeshkanna 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.54 of 2024 on the file of the Respondent Police.



ORDER : The Court made the following order :-

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The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 12.03.2024 for the offences punishable under Sections 5(1) r/w 6 of POCSO Act, in crime No.54 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the victim girl was aged about 16 years and was studying 12th standard at the time of occurrence. The petitioner is a married man and having 2 children. However, he had committed the sexual assault upon the victim girl by giving a false promise that he would marry her. 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 defacto complainant is the close the relative of the victim girl. Now, compromise was reached between the parties. Apart from that, the case has been taken up for committal in Spl.S.C.No.41 of 2024 and the petitioner is in judicial custody from 12.03.2024 and hence, he may be granted bail.

4.The learned Additional Public Prosecutor would submit that charge sheet was filed before the Fast Track Track Mahila Court, Ramanathapuram and the same was taken on file in Spl.S.C.No.41 of 2024. Now, the case was posted for appearance of parties.



5. Considering the period of incarceration and also considering the fact that the case has been taken up for committal, 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 Judicial Magistrate Court, Mudukulthur.

(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 trial Court for each and every hearing 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].



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

sd/-
30/07/2024

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

TO

- 1 THE JUDICIAL MAGISTRATE, MUDUKULTHUR.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE OFFICER IN CHARGE,
DISTRICT PRISON, RAMANATHAPURAM..
- 4 THE INSPECTOR OF POLICE
MUDUKULATHUR POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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+1. CC to M/S.RAJESHKANNA P Advocate SR.No.8995

ORDER
IN
CRL OP(MD) No.12031 of 2024
Date :30/07/2024

MGJ(30.07.2024) 5P 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023