



CRL OP(MD)No.12266 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31.07.2024

PRESENT

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

CRL OP(MD)No.12266 of 2024

G.Sudalai Murugan

... Petitioner/ Accused

Vs

The Inspector of Police,
Kovilpatti West Police Station,
Kovilpatti,
Thoothukudi.
(Crime No.3 of 2023)

... Respondent/Complainant

For Petitioner : Mr.C.Hemalatha, Advocate

For Respondent : MrK.Sanjai Gandhi,
Government Advocate(Crl.side)

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

PRAYER :-

For Bail in Cr No.330 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

This Petition is filed to enlarge the petitioner on bail in connection with



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Spl.S.C.No.63 of 2023 on the file of the Special Court for Exclusive Trial of Case under POCSO Act, Thoothukudi, which was subsequently transferred to the file of the Chief Judicial Magistrate Court, Theni.

2.The petitioner, who was arrested and remanded to judicial custody on 16.07.2024 for the offences punishable under Section 366 IPC and Section 9 of the Prohibition of Child Marriage Act and Sections 5(1), 6 POCSO Act and Sections 3(1)(w)(1), 3(1)(w)(ii) of SC/ST(Prevention of Atrocities)Act, 1989 in Cr.No.3 of 2023 on the file of the respondent police, seeks bail.

3.Earlier the petitioner was granted bail in Crime No.3 of 2023 and in P.R.C, stage he absconded. After filing charge sheet, as the summon could not be served upon the petitioner, the trial Court, has issued non bailable warrant in the year 2023, for appearance on him and he was arrested on 16.07.2024.

4.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 16.07.2024, hence he may be enlarged on bail.



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5.The learned Additional Public Prosecutor would submit that if the petitioner released on bail, again he will abscond and trial will not be proceeded further. Hence, he strongly opposed to grant bail.

6.Considering the facts and circumstances of the case and considering the period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

7.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 Case under POCSO Act, Thoothukudi.

[i] the sureties shall affix their photographs and Left thumb Impression in the surety bond and the Special Court/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 Special Court for Exclusive Trial of Case under POCSO Act, Thoothukudi on all hearing dates, without fail.



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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 Judicial 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/-

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01/08/2024

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

GNS



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TO
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- 1 THE SPECIAL COURT FOR
EXCLUSIVE TRIAL OF CASE UNDER POCSO ACT,
THOOTHUKUDI.
 - 2 THE INSPECTOR OF POLICE
KOVILPATTI WEST POLICE STATION,
KOVILPATTI,
THOOTHUKUDI.
 - 3 THE OFFICER INCHARGE,
SUB JAIL, PEROORANI, THOOTHUKUDI.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- + 1 CC TO Mr.C.Hemalatha, Advocate ADVOCATE IN SR No.9276 dated 02/08/2024**

ORDER
IN

CRL OP(MD) No.12266 of 2024
Date :31/07/2024

SS/SAR- /01/08/2024/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023