



CRL OP(MD). No.13099 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.13099 of 2024

S.Chandra Pandi,

... Petitioner/ Accused No.2

Vs

**The Inspector of Police,
Koodalpudur Police Station,
Madurai District.
Crime No.151/2024..**

... Respondent/Complainant

**For Petitioner : M/s.Saravana Bhagavathy.K, Advocate.
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor**

PETITION FOR BAIL Under Sec.483 BNSS Act

PRAYER :-

For Bail in Crime No.151/2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

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



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on 23.03.2024 for the offences punishable under Sections 302, 201 IPC and Section 5(j) (iv), 5(l), 5(m), 5(n), 16 of POCSO Act, 2012 r/w. Section 34 IPC and Sections 6 and 17 of POCSO Act, 2012 in crime No.151 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein, who is the step father of the victim girl had raped her and murder her with the support of his wife / A2 . Hence the case.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

4. This is an unfortunate case, where the petitioner and her husband were taking care of her sister's daughter. The daughter was being brought up and now she is aged 11 years. When the petitioner's husband / first accused in this case visited the home from work as he is said to be on military duty, he has sexually abused the child and the allegation is that there was forcible intercourse and the child was killed by pressing the neck with hands and thereafter, the further allegation is that instead of bringing the said offence to light, the accused No.1 tried to set up as if the child committed suicide. The allegation against the petitioner, who is the wife is that instead of bringing the truth and complaining against her husband, she also joined



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her husband in concealing the truth and tried to save her husband. In this case, the major part of the overt act, including abusing the child is only on the A1's husband and he is in jail. As far as the petitioner is concerned, considering the nature of allegations and considering the fact that the husband, who is the perpetrator of this serious crime is in jail and the petitioner is in jail from 23/3/2024 and since the investigation is over and the case is now taken on file as C.C.No. 56 of 2024 and now posted to 19/8/2024, I am inclined to enlarge the petitioner on bail. The trial Court is also requested to take up the case for expeditious disposal.

5. 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 learned Judicial Magistrate No.IV, Madurai

(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 appear before the concerned Court daily at 10.30 a.m for a period of eight weeks and thereafter, all hearing dates without fail.

(iii)the petitioner shall not tamper with evidence or witness;

iv)the petitioner shall not abscond during trial.



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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].

(vi)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
16/08/2024

/ TRUE COPY /

16 / 08 /2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1 THE JUDICIAL MAGISTRATE
NO.IV, MADURAI

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE SUPERINTENDENT,
WOMEN PRISION, MADURAI.

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



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4. THE INSPECTOR OF POLICE
KODALPUDUR POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.K.SARAVANA BHAGAVATHY, Advocate (SR-10016[I] dated
16/08/2024)

ORDER
IN
CRL OP(MD) No.13099 of 2024
Date :16/08/2024

PSP/ /SAR /16.08.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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