



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.13634 of 2024

Dhilip @ Dhilip Kumar

... Petitioner/Sole Accused

Vs

The Inspector of Police,
AWPS Tiruchendur,
Thoothukudi District.
Crime No.11/2024..

... Respondent/Complainant

For Petitioner : M/s. Vishnuvardhan.S,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER :-

For Bail in Crime No.11 of 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 on 01.04.2024 for the offences punishable under Section 3(d) r/w 4 of POCSO Act, in



Crime No.11 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner forcibly had sexual intercourse with the victim boy, who is aged about 5 years. Hence, the complaint.

3.Heard both sides.

4. This Court considered the allegations whereby the petitioner is said to have been in inberiated_ condition and has misbehaved with the tender child in a brutal manner. The child also suffered injuries apart from being sexually abused.

5.Today the learned Additional Public Prosecutor submitted that the Investigation was completed and chargesheet was also filed before the concerned Court by e-filing on 13.05.2024.

6.Considering the fact that the petitioner is in jail from 01.04.2024 and also considering the fact that the investigation was over, I am inclined to enlarge the petitioner on bail with certain conditions. But, however, since the petitioner is also residing in the same vicinity, he shall stay away for some more time.

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

(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

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



card or Bank Pass Book to ensure their identity;

(ii) the petitioner shall stay at Sankarankovil and report before the Sankarankovil Police Station daily at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation;

(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].

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

8. In this case, it is brought to the notice that the charge sheet was filed by e-filing on 13.05.2024. A copy of this order shall be placed before the Presiding Officer as well as the learned Principal District Judge, Thoothukudi. The delay, if any, in taking on file the charge sheets filed by the police can be addressed by the learned Principal District Judge. If there are lot of matters are pending, additional staffs may



be deputed and all the pending matters will be cleared as and when the charge sheet is filed within a reasonable time. The same should be scrutinized and taken on file.

sd/-
23/08/2024

/ TRUE COPY /

23/08/2024
Sub-Assistant Registrar (CS - I/ II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

1 THE JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, THOOTHUKUDI.
2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI..
3 THE INSPECTOR OF POLICE
AWPS TIRUCHENDUR,
THOOTHUKUDI DISTRICT.
4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

1 THE PRINCIPAL DISTRICT JUDGE, THOOTHUKUDI DISTRICT.

2 THE INSPECTOR OF POLICE
SANKARANKOVIL POLICE STATION
SANKARANKOVIL.

ORDER
IN
CRL OP(MD) No.13634 of 2024
Date :23/08/2024

MK/23.08.2024 4P 7C