



CRL OP(MD). No.13974 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.13974 of 2024

Sankarkumar

... Petitioner/Petitioner

Vs

The Inspector of Police,
All Women Police Station,
Puliyangudi,
Tenkasi District.
(Crime No.10 of 2024)

... Respondent/Complainant

For Petitioner : M/s. Arun.B, Advocate.

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

PETITION FOR BAIL UNDER SEC 483 of BNSS

PRAYER :-

To enlarge the petitioner on bail in CrI.M.P.No.1260 of 2024 on the file of the Learned Sessions Judge, Special Court for POCSO Act cases, Tirunelveli in connection with Crime no.10 of 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 on 29.07.2024 for the offence punishable under Sections 6 r/w. 5(1) of POCSO Act,

2012 in Crime No.10 of 2024 on the file of the respondent police, seeks bail.

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



CRL OP(MD). No.13974 of 2024

WEB COPY

2. The case of the prosecution is that the petitioner herein was in a sexual relationship with the victim girl, who is aged about 15 years. 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. Considering the nature of allegations in this case and considering the 164 statement given by the victim child that the petitioner had refused to take her away, but, she only insisted him to take her away, I am inclined to enlarge the petitioner on bail

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 Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli.

(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 respondent Police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation;

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



CRL OP(MD). No.13974 of 2024

(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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
27/08/2024

/ TRUE COPY /

27/08/2024

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

1 THE SESSIONS JUDGE, SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI.

2 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, PULIYANGUDI,
TENKASI DISTRICT.

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



WEB COPY



CRL OP(MD). No.13974 of 2024

ORDER

IN

CRL OP(MD) No.13974 of 2024

Date :27/08/2024

RS//SAR-(27.08.2024) 4P 5C

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