



CRL OP(MD). No.15096 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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Nagaraj,

... Petitioner/Sole Accused

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
All Women Police Station,
Samayanallur,
Madurai.
In (Crime No. 12 of 2024).

... Respondent/Complainant

For Petitioner : Mr.M.Jegadeesh Pandian,
Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

To release the Petitioner/Sole Accused on bail in Spl.SC.No.57/2024 on the file of the Learned Special Judge for Trial of POCSO Act Cases, Madurai.

ORDER : The Court made the following order :-

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



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19.03.2024 for the offences punishable under Sections 9(m) and 10 of POCSO Act @
9(m), 10, 5(m), 6, 3(a), 4 of POCSO Act and 341 IPC in crime No. 12 of 2024 on the
file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner herein had committed sexual assault as against the defacto complainant's daughter and four other children. Hence, the case.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent and perused the materials available on record.

4. The case is serious in nature. It is stated that the petitioner being a 65 year old man sitting in one place has been indulging in bad touching and molesting tender and small children crossing through the way. This Court went through 164 statements given by the six children. Three children have spoken against the petitioner that he has actually indulged in a bad touch. Considering the said facts and considering the fact that the petitioner is in jail from 19/3/2024 and the trial has not yet been commenced, I am inclined to enlarge the petitioner in bail.



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5. Since it is alleged that the victim children are residing in the same street, the petitioner shall stay at Madurai City and do not go near the place of residence of the children for a period of six weeks. Before that the prosecution shall take steps to examine the children and the trial court shall also take up the matter expeditiously for examining the children.

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 learned Special District Judge for trial of POCSO Act Cases, 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 stay at Madurai City and report before the Anna Nagar Police Station, Madurai daily at 10.30 a.m for a period of six weeks, except the dates of hearing before the trial Court and thereafter, appear before the concerned Court on all the 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 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.

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sd/-
11/09/2024

11/09/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP



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TO
WEB COPY

- 1 THE SPECIAL DISTRICT JUDGE FOR
TRIAL OF POCSO ACT CASES, MADURAI.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SAMAYANALLUR, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE INSPECTOR OF POLICE
ANNA NAGAR POLICE STATION, MADURAI.

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-11198[I] dated
11/09/2024)

ORDER
IN
CRL OP(MD) No.15096 of 2024
Date :11/09/2024

SS/SAR- /11/09/2024/5P/7C

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