



CRL OP(MD). No.15150 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.15150 of 2024

Edison,

... Petitioner/Sole Accused

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
All Women Police Station,
Palayamkottai,
Tirunelveli District.
(Crime No.31/2024).

... Respondent/Complainant

For Petitioner : M/s.Appaji C K M,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.31/2024 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 22.07.2024 for the offences punishable under Sections 11(i) and 12 of POCSO Act,
<https://www.tnmc.tn.gov.in/judis>



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in crime No.31 of 2024 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that the petitioner, who is the father of the victim child, in a drunken mood, had sexually abused the victim child. Hence, the complaint.

3. Heard the learned counsel on either side and perused the material records of the case.

4. It is seen that the victim child had made allegations of bad touch against the petitioner, who happens to be the father himself. Considering the nature of allegation and considering the fact that the petitioner is in custody from 22.07.2024, I am inclined to enlarge the petitioner on bail, however, on condition that the petitioner shall not go to the same home and insist that he will live only along with the said victim, child and the wife.

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;



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(ii)the petitioner shall stay at Pallavaram and shall report before the Inspector of Police, Pallavaram Police Station, Pallavaram, daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation. It is made clear that no relaxation of the condition for the said period will be entertained by this court; After the period of four weeks, the petitioner shall also stay separately away from the residence of the victim child.

(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 229A IPC.

sd/-
23/09/2024

/ TRUE COPY /

23/09/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.



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LS
TO
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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,
PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

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

COPY TO:

THE INSPECTOR OF POLICE,
PALLAVARAM POLICE STATION,
PALLAVARAM.



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ORDER

IN

CRL OP(MD) No.15150 of 2024

Date :23/09/2024

SA/SAR. /23.09.2024/5P/6C

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