



CRL OP(MD). No.15184 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 10/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.15184 of 2024

Najeerkhan @ Thajdheen

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
All Women Police Station,
Thilagarthidal,
Madurai District.
(Crime No. 13/2024.)

... Respondent/Complainant

For Petitioner : M/s.Mohamed Rafi.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. 13 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



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on 27.06.2024 for the offences punishable under Sections 323 of IPC and Sections 7 r/w 8 of the Protection of Children from Sexual Offence Act, 2012 and under Section 3 r/w Section 4 of the Protection of Children from Sexual Offence Act, 2012, in crime No.13 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are the husband and wife. The petitioner abused the defacto complainant and his daughter in filthy language and tortured them by connecting with the third persons. Further, he propagated false message among the school students, who are studying with his minor daughter. Hence, the complaint.

3. Heard both sides.

4. Considering the nature of the allegations and considering the 164 Cr.P.C., statement made by the child and also considering the fact that the petitioner also gave a POCSO complaint as against the third party for having relationship with his minor daughter, this Court is inclined to grant bail to the petitioner on certain conditions.

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 Special District Court for POCSO Act Cases, Madurai.



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(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 report before the respondent police daily at 10.30 a.m., for a period of three 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.

sd/-
10/09/2024

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10/09/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS



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To
1.The Judge,
Special District Court for POCSO Act Cases, Madurai.

2.The Inspector of Police,
All Women Police,
Thilagarthidal, Madurai District.

3.The Superintendent,
Central Prison, Madurai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.MOHAMED RAFI, Advocate (SR-11098[I] dated 10/09/2024)

ORDER
IN
CRL OP(MD) No.15184 of 2024
Date :10/09/2024

ED/ /SAR- (10/09/2024) 4P / 6C

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