



CRL OP(MD). No.16082 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 25/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.16082 of 2024

Mohamed Mubinraja,

... Petitioner/ Accused No.1

Vs

The State of Tamilnadu,  
Rep by the Inspector of Police,  
Thiruvadanai Awps,  
Ramanathapuram District.  
Crime No.05 of 2024..

... Respondent/ Complainant

For Petitioner : Mr.S.Atham Ali,  
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.05 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



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on 06.05.2024 for the offences punishable under Sections 376(DA) and 376(AB) IPC and 67(B) IT Act and 11(2), 11(4) r/w. 12 and Sections 5(1), 5(g) r/w. 6 of POCSO Act in crime No. 05 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner herein and other accused lured the victim girl and committed penetrative sexual assault on her. 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. This case is serious in nature. The victim child was started to be abused from the age of eight itself and she has made categorical detailed statement under Section 164 of the Code of Criminal Procedure about the persons who are all involved in committing sexual assault and penetrative sexual assault on her. While the allegations made against the other persons are serious as far as this petitioner is concerned, she states that his brother is involved in pigeon breeding and with regard to the same this petitioner will also visit her house, while visiting her house, he had attempted to misbehave with her but did not misbehave.



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5. Considering the specific allegations as against this petitioner and considering the fact that there are no other antecedents as against this petitioner and the fact that he is in custody from 06.05.2024, I am inclined to enlarge the petitioner on bail.

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 Fast Track Mahila Court (Mahaleer Neethi Mandram), Ramanathapuram District.

(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 concerned Court on all hearing dates without fail;

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



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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/-  
25/09/2024

/ TRUE COPY /

25/09/2024  
Sub-Assistant Registrar ( )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TRP

TO

1 THE FAST TRACK MAHILA JUDGE  
(MAHALEER NEETHI MANDRAM),  
RAMANATHAPURAM DISTRICT.



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2 THE OFFICER INCHARGE,  
DISTRICT JAIL, RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE,  
THIRUVADANAI AWPS,  
RAMANATHAPURAM DISTRICT.

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

ORDER

IN

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Date :25/09/2024

SS/SAR- /25/09/2024/5P/5C

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