



CRL OP(MD). No.16387 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.16387 of 2024

Mathaneeswaran

... Petitioner/ Accused No.7

Vs

The State of Tamil Nadu Rep By,
The Inspector of Police,
All Women Police Station,
Thiruvadanai.
Ramanathapuram District.
Cr.No.5/2024..

... Respondent/ Complainant

For Petitioner : Mr.B.Vinothkumar,
Advocate.

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

PETITION FOR BAIL Under Sec.483 of B.N.S.S. U/s 439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.5 of 2024 on the file of the respondent police.



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ORDER : The Court made the following order :-

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The petitioner/A7, who was arrested and remanded to judicial custody on 14.05.2024 for the offence punishable under Sections 376(DA) and Section 376(AB) of IPC and Section 67(B) of IT Act and Sections 11(2) & 11(4) r/w Section 12 of POCSO Act and Section 5(1) & 5(g) r/w Section 6 of POCSO Act, in Crime No.5 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had committed the penetrative sexual assault upon the victim girl repeatedly by showing a video that was sent by the victim child in a nude position to the other accused. Hence, the complaint.

3.Heard both sides.

4.The case is serious. The victim child has been subjected to penetrative sexual assault over a long period of time by all the accused under various circumstances. As far as the present petitioner is concerned, he is arrayed as accused No.7. The victim child has made a specific allegation against him that the video was also shown to him and he also came to her house and then they had a physical relationship.



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5. The learner counsel for the petitioner would submit that A5 and A6, against whom also the similar allegations made and from whose cell phone also this incriminating video was retrieved, were granted bail by the learned trial court itself.

6. Therefore, only considering the fact that the similarly situated accused have been released on bail by the trial court, this Court is inclined to grant bail to the petitioner on certain conditions.

7. 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 Fast Track Mahila Court, (Mahaleer Neethimandram), Ramanathapuram.

(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 trial Court for each and every hearing 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
01/10/2024

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01/10/2024
Sub-Assistant Registrar (CO)
Madurai Bench of Madras High Court,
Madurai - 625 023.

dss

TO

1. The Judge,
Fast Track Mahila Court, (Mahaleer Neethimandram), Ramanathapuram.



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2. The Officer in charge,
District Prison, Ramanathapuram..

3. The Inspector of Police,
All Women Police Station,
Thiruvadanai, Ramanathapuram District.

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

+1 CC to M/s.B.VINOTH KUMAR, Advocate (SR-11967[I] dated 01/10/2024)

ORDER
IN
CRL OP(MD) No.16387 of 2024
Date :01/10/2024

RK (01/10/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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