



CRL OP(MD). No.17263 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/10/2024

PRESENT

The Hon`ble Mr.Justice K. RAJASEKAR

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Chinnakaruppan,

... Petitioner/Sole Accused

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
All Women Police Station,
Devakottai,
Sivagangai District.
Crime No. 10/2024..

... Respondent/Complainant

For Petitioner : M/s.C.Suresh Kannan, Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

PETITION FOR BAIL UNDER SECTION 483 OF BNSS

PRAYER :-

For Bail in Crime No. 10 of 2024 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 06.09.2024 for the offence punishable under Section 9(k) and 10 of Protection of Child from Sexual Offences Act, in Crime No.10 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complaint is the mother of the minor victim girl. On 02.09.2024, at about 04.30 p.m, while the minor victim girl, who is mentally disorder alone was in her house, the petitioner is said to have entered into the house and also misbehaved with her. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and due to previous enmity regarding the path way dispute, he has been falsely implicated in this case. He would further submit that the petitioner is in custody from 06.09.2024 and hence, he seeks bail.

4. The learned Additional Public Prosecutor would submit that even though very well knowing the fact that the victim girl is a mentally disorder child, the petitioner, who is aged about 66 years misbehaved with her. Hence, he objected to grant bail to the petitioner.

5. Considering the allegation against the petitioner is that the petitioner is said to have entered into the house of the victim girl and pulled her hand, and considering

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the fact that it is not a case of penetrative sexual assault and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

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.20,000/- (Rupees Twenty Thousand only) with two sureties each for a like sum to the satisfaction of the Principal Special Court for Exclusive Trial of Case Under the POCSO Court, Sivagangai.

(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., until further orders.

(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



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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/-
09/10/2024

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09 /10 /2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

1 THE JUDGE
PRINCIPAL SPECIAL COURT FOR EXCLUSIVE TRIAL
OF CASE UNDER THE POCSO COURT, SIVAGANGAI

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI..

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DEVAKOTTAI, SIVAGANGAI DISTRICT.

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

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+1 CC to M/s.C.SURESH KANNAN, Advocate (SR-12347[I] dated 09/10/2024)

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ORDER

IN

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Date :09/10/2024

PSP/ /SAR /09.10.2024/ 5P/ 7C

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