



CRL OP(MD). No.17309 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

CRL OP(MD). No.17309 of 2024

Kalaiyan,

... Petitioner/Sole Accused

Vs

State of Tamilnadu,
The Inspector of Police,
All Women Police Station,
Thirumangalam,
Madurai District.
(Crime No.11 of 2023).

... Respondent/Complainant

For Petitioner : M/s.G.Bhagavath Singh, Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

PETITION FOR BAIL UNDER SECTION 483 OF BNSS

PRAYER :-

To enlarge the Petitioner on Bail in Crime No.11 of 2023 pending on the file of the

respondent police.

<https://www.mhc.tn.gov.in/judis>



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ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 26.06.2024 for the offences punishable under Sections 448, 294(b), 323, 506 (i) of IPC and Section 7 & 8 of POSCO Act, 2012, in Crime No.11 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is aged about 16 years. On 28.04.2023, at about 12.30 p.m, when she was alone in her house, the petitioner had committed sexual assault upon the minor victim girl. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in custody from 26.06.2024 and hence, he seeks bail.

4. The learned Additional Public Prosecutor would submit that the petitioner had committed sexual assault upon the minor victim girl. Hence, he objected to grant bail to the petitioner. He further submitted that the investigation in this case is also completed.

5. Considering the facts and circumstances of the case and also considering the

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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 learned Special District and Sessions Judge for POCSO Act Cases, Madurai.

(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 in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



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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 SPECIAL DISTRICT AND SESSIONS JUDGE
FOR POCSO ACT CASES,
MADURAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUMANGALAM,
MADURAI DISTRICT

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

+1 CC to M/s.G.BHAGAVATH SINGH, Advocate (SR-12333[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/ 6C

Madurai Bench of Madras High Court is issuing certified
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