



CRL OP(MD). No.17820 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.17820 of 2024

Mohamed Rishwan,

... Petitioner/ Accused No.1

Vs

**The State of Tamil Nadu,
Rep by the Inspector of Police,
Thiruvadanai Awps,
Ramanathapuram District.
Cr.No.05/2024..**

... Respondent/ Complainant

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

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

PETITION FOR BAIL UNDER SECTION 483 OF BNSS

PRAYER :-

For Bail in Crime no.05/2024 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 on



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06.05.2024 for the offences punishable under Sections 376(DA) and 376(AB) IPC and 67(B) of IT Act and 11(2), 11(4) r/w. 12 and Section 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 had committed penetrative sexual assault upon the victim girl repeatedly. 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. Considering the nature of allegation in this case that the petitioner is also one of the persons who said to have sexually assaulted the victim child from her childhood days until her teenage and as far as the allegation against this petitioner is concerned in or about the year 2010, when the victim child was 8 to 10 years of age he is said to have committed penetrative sexual assault on the child and only considering the fact that the allegation dates back to 14 years and secondly, considering the fact that the investigation is now over and the charge sheet is filed but however, is yet to be taken on file and the trial is likely to take some time and that the petitioner is in prison from 06.05.2024 , I am inclined to enlarge the petitioner on bail.

5. Accordingly, this Criminal Original Petition is allowed and the petitioner is



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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 The Fast Track Mahila Court (Mahaleer Neethimandram) 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 respondent Police daily at 10.30 a.m for a period of three weeks and he shall attend all the hearing dates before the trial Court without fail;

(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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/10/2024

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19 / 10 /2024

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

TRP

TO

1 THE JUDGE,
FAST TRACK MAHILA COURT (MAHALEER NEETHIMANDRAM)
RAMANATHAPURAM DISTRICT

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

3 THE SUPERINTENDENT,
DISTRICT JAIL, RAMANATHAPURAM.

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

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



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ORDER
IN
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Date :19/10/2024

PSP/ /SAR /19.10.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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