



CRL OP(MD). No.18962 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.18962 of 2024

Kaleeswaran

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Rameswaram All Women Police Station,
Ramanathapuram District.
Crime No. 10/2023.

... Respondent/Complainant

For Petitioner : Mr.C.Senthil Murugan,

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No. 10 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 03.12.2023 for the offences under Sections 7 and 8 of POCSO Act in Crime No.10 of 2023 on the file of the respondent police, seeks bail.



CRL OP(MD). No.18962 of 2024

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2. The case of the prosecution is that the petitioner was working as a part time Scavenger in a school, in which, the victim girl was studying. On 23.11.2023, the petitioner is said to have sexually assaulted the victim girl. Initially, the FIR was registered for the offence under Sections 7 and 8 of POCSO Act, 2012 by adding five accused persons, in which, the petitioner was arrayed as A1. After the completion of investigation, the names of the second to fifth accused were dropped and police report was filed before the Mahila Court, Sessions Division, Ramand and the was taken on file in Spl.S.C.No.43 of 2024. The defacto complainant, who is the mother of the victim girl, filed a protest petition before the trial Court on the ground that A2 to A5 ought not to have been deleted from the array of accused. An order was passed to the effect that the involvement of those accused persons can be decided in the course of trial and if materials come to light, they can be added as accused. Aggrieved by the same, the defacto complainant has filed a criminal revision petition before this Court and the same is pending in Crl.R.C.No.915 of 2024. In view of the same, there is no further progress before the trial Court.

3. Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police

4. Taking into consideration the facts and circumstances of the case and also of the fact that this petitioner has been in judicial custody from 03.12.2023 onwards and

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CRL OP(MD). No.18962 of 2024

the investigation has already been completed and there is no progress in the case due to the pendency of the criminal revision petition before this Court, this Court is inclined to grant bail to the petitioner by imposing certain stringent conditions.

5. Accordingly, the criminal original petition is ordered and this criminal original petition is ordered 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(one surety shall be the mother of the petitioner and the other surety shall be the father of the petitioner), each for a like sum to the satisfaction of the The Fast Track Mahila Court, Ramanathapuram, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m until further orders except on the days when the case is posted for hearing before the trial Court.

[c] the petitioner shall appear before the trial Court during every hearing date without fail.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.



CRL OP(MD). No.18962 of 2024

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
04/11/2024

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04/11/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR

TO

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

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CRL OP(MD). No.18962 of 2024

2. The Officer - in - Charge,
District Prison,
Ramanathapuram.

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

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

CRL OP(MD) No.18962 of 2024

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SL(04.11.2024)/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.