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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30.10.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD)No.18969 of 2024

Neethirajan @ Balaji

... Petitioner/Sole Accused

Vs

The Sub Inspector of Police,
All Women Police Station,
Thallakulam,
Madurai City.
Crime No.21 of 2024.

... Respondent/Complainant

For Petitioner : Mr.R.Alagumani
Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.21 of 2024 on the file of the respondent police



ORDER : The Court made the following order :-

The petitioner/Sole Accused, who is arrested and remanded to judicial custody on 01.04.2024 for the offence punishable under Sections 5(1), 5(n), 5(i) (ii) r/w. Section 6 of POCSO Act in Crime No.21 of 2024 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioner had sexual intercourse with the victim girl, who is aged about 17 years. Hence, the complaint.

3.Heard the learned counsel on either side and perused the material records of the case.

4.Considering the nature of allegation in this case that the petitioner is said to have committed penetrative sexual assault on the victim girl aged about 17 years and considering the argument of the learned Counsel for the petitioner that it is a love affair and considering the fact that the petitioner is in judicial custody from 01.04.2024 and that the trial is still at the stage of framing of charges and the DNA report itself is awaited, I am inclined to enlarge the petitioner on bail with certain conditions.

5.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



learned Principal Special Court for Exclusive Trial of Cases under POCSO Act,
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.,for a period of three weeks and thereafter as and when required for interrogation. It is made clear that no relaxation of the condition for the said period will be entertained by this court;

(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 229A IPC.

sd/-
30/10/2024

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

TO

1 THE JUDGE,
PRINCIPAL SPECIAL COURT FOR EXCLUSIVE
TRIAL OF CASES UNDER POCSO ACT,
MADURAI.

2 THE SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THALLAKULAM,
MADURAI CITY.

3 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

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



+1. CC to DR.R.ALAGUMANI Advocate SR.No.13445

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ORDER
IN
CRL OP(MD) No.18969 of 2024
Date :30/10/2024

PSP(30.10.2024) 5P 6C

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