



CRL OP(MD). No.20128 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13.12.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.20128 of 2024

Shaik Mohamed Ferozdheen

... Petitioner/Sole Accused

Vs

The Inspector of Police,
AWPS Aruppukottai,
Virudhunagar District.
(Crime No.24 of 2024)

... Respondent/Complainant

For Petitioner : Mr.S.M.A.Jinnah, Advocate.
For Respondent : Mr.S.Ravi, Additional Public Prosecutor
For Intervenor : Mr.A.Sheik Nazruddin, Advocate

PETITION FOR BAIL Under Sec.483 of BNSS,2023.

PRAYER :-

For Bail in Crime No.24 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner / Sole Accused, who was arrested and remanded to judicial custody on 29.10.2023 for the alleged offences under Sections 7 and 8 of POCSO Act, in Crime No.24 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the father of the victim

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girl, and he is said to have touched the victim girl in an inappropriate manner in various parts of her body.

3. When the matter came up for hearing before this Court on 20.11.2024, this Court passed the following order :

“The learned counsel for the petitioner submitted that there is a matrimonial dispute between the petitioner and his wife and hence, the wife has given a false complaint against the petitioner as if the petitioner had sexually abused the daughter.

2. This Court went through the Section 164 statement of recorded from the victim girl. However, considering the submission made by the learned counsel for the petitioner, there shall be a direction to the respondent police to produce the victim girl before me on 27.11.2024.

3. Post this case on 27.11.2024 in the Chamber at 5.30 p.m.”

4. I thought it fit to call for victim girl and to hear from her regarding this occurrence. Accordingly, the victim girl was present in the Chamber on 27.11.2024. After hearing the victim girl, this Court passed the following order on 27.11.2024 :

“The victim girl was present in the Chamber.

2. I examined her in the presence of my Stenographer, Mrs.T.Sakthi Gomathi and Mrs.N.Durga Devi, Assistant Section Officer. The victim girl



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reiterated whatever was told before the learned Judicial Magistrate, Kariapatti. She repeatedly confirmed the fact that such an incident had taken place on 08.09.2024 during night hours.

3. In view of the above, post this case on 29.11.2024.”

5. The matter was listed for hearing today.

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

7. After carefully considering the matrimonial dispute between the petitioner and his wife, and on carefully considering the statement recorded from the victim girl before me, I am able to prima facie see that the victim girl has been tutored in this case. When she appeared before me, she was able to repeat exactly the same words and the same expressions, which she used before the learned Magistrate. That apart, while she was expressing herself, I found that she was speaking more from her mind and there was absolutely no genuineness in what she was saying. In view of the same, this Court is prima facie convinced that the petitioner need not stay inside the jail, since he is suffering incarceration from 29.10.2023, and he can be enlarged on bail. It is also brought to the notice of this Court that the investigation has been completed and the case is now pending before the Special Court for Exclusive Trial of Cases under POCSO Act, Srivilliputhur in Spl.S.C.No.254 of 2024.



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8. Accordingly, the petitioner is ordered to be released on bail on his 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 Special Court for POCSO cases, Srivilliputhur, 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 Court below during every date of hearing and cross examine all the witnesses on the same day they are examined in chief and particularly, when the victim girl is examined as a witness in this case.

[c] the petitioner shall not make any attempt to contact the victim girl through any means till the disposal of the case.

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

[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



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

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[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
13/12/2024

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13/12/2024

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

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TO

1 THE JUDGE, SPECIAL COURT FOR POCSO CASES, SRIVILLIPUTHUR.

2 THE INSPECTOR OF POLICE, AWPS ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.

3 THE OFFICER INCHARGE, SUB JAIL, VIRUDHUNAGAR.

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

ORDER
IN

CRL OP(MD) No.20128 of 2024
Date :13/12/2024

RS/IT/SAR-(13.12.2024) 5P 5C
Madurai Bench of Madras High Court is issuing
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