



CRL OP(MD). No.21050 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18.12.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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Malaisamy,

... Petitioner/ Sole Accused

Vs

The State of Tamil Nadu
represented by the Inspector of Police,
All Women Police Station,
Thirupathur,
Sivagangai District.
(Crime No.8 of 2024)

... Respondent / Complainant

For Petitioner : M/s.Aran Legal Consultancy,
Mr.K.Sivabalan,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.8 of 2024 on the file of the respondent Police.



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ORDER: The Court made the following order :-

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The petitioner / Accused, who was arrested and remanded to judicial custody on 13.09.2024 for the alleged offences under Sections 7 and 8 of Protection of Child from Sexual Offences Act, 2012 @ under Sections 5(1), 5(m), 5(n) r/w. 6 of the Protection of Child from Sexual Offences Act, 2012 @ under Sections 5(1), 5(m), 5(n) r/w. 6 of Protection of Child from Sexual Offences Act, 2012 and Section 115(2) of BNS, in Crime No.8 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, who is the father of the victim girl, is said to have sexually assaulted the victim girl.

3. When the matter was taken up for hearing on 16.12.2024, this Court wanted to verify as to whether the victim girl and the mother who is the defacto complainant have been examined and to produce the copy of the deposition. Accordingly, this matter was listed for hearing today.

4. This Court had the advantage of going through the evidence that was recorded from the victim girl and the mother.

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



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6. Taking into consideration the facts and circumstances of the case and considering the evidence tendered by the victim girl and her mother not implicating the petitioner and taking note of the fact that there was a matrimonial dispute between the petitioner and his wife and also taking note of the fact that the petitioner has suffered incarceration from 14.09.2024, this Court is inclined to grant bail to the petitioners subject to the following conditions.

7. 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 learned Principal Special Court for Exclusive Trial of Cases under the POCSO Act, 2012, Sivagangai, 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 appear before the learned Trial Court during every date of hearing without fail.



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

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

[e] 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]**.

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

sd/-
18/12/2024

/ TRUE COPY /

18/12/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO
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- 1 THE PRINCIPAL SPECIAL JUDGE
FOR EXCLUSIVE TRIAL OF CASES UNDER THE POCSO ACT, 2012,
SIVAGANGAI.
- 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THIRUPATHUR,
SIVAGANGAI DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M/S.AN LEGAL CONSULTANCY, Advocate (SR-15574[I] dated
18/12/2024)

ORDER
IN

CRL OP(MD) No.21050 of 2024
Date :18/12/2024

SS/SAR- /18/12/2024/ 5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023