



CRL OP(MD). No.21514 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.21514 of 2024

Mariselvam

... Petitioner/Sole Accused

Vs

The Inspector of Police
Kayathar Police Station,
Thoothukudi District
(Crime No.117 of 2024).

... Respondent/Complainant

For Petitioner : Mr.V.M.Jegadeesha Pandian, Advocate
For Respondent : Mr.S.Ravi, Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.117 of 2024 on the file of the respondent police...

ORDER : The Court made the following order :-

The petitioner/A13, who was arrested and remanded to judicial custody on 09.04.2024 for the offences under Sections 483 BNSS (hereinafter referred to as new procedure code) and subsequently altered to Sections 5(n), 5(1), 5(j)(ii) r/w 6 of POCSO Act in Crime No.117 of 2024 on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that the victim girl's sister had married the petitioner. The victim girl also started having affair with the petitioner. As a result, they had physical intercourse and the victim girl become pregnant. Only after she became pregnant, the entire incident came to light. The victim girl was very hesitant to reveal her relationship with her brother-in-law. After so much of persuasion/threat, she ultimately revealed the name of the petitioner. The father of the victim girl gave the complaint, based on which, the FIR was registered and the petitioner was arrested and remanded to judicial custody on 09.04.2024.

3.Heard the learned Counsel appearing on either side.

4.Taking into consideration the facts and circumstances of the case and considering the Section 164 Cr.P.C statement recorded from the victim girl and also taking note of the fact that the petitioner has already suffered incarceration from 09.04.2024 and the investigation has already been completed and it is pending in Spl.S.C.No.90 of 2024 before the Mahila Court, Thoothukudi and the Court is awaiting for the DNA result, this Court is inclined to grant bail to the petitioner subject to the following conditions.

5.Accordingly, the 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, each for a like sum to the satisfaction of the



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learned Judge, Principal Special Court for Exclusive trial of cases under POCSO Act,

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Thoothukudi, 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 learned Judge, Principal Special Court for Exclusive trial of cases under POCSO Act, Thoothukudi daily at 10.30 a.m until further orders including every date of hearing.

[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.

[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



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Section 269 BNS 2023.

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[h]the petitioner shall not go any where near the victim girl or contact the victim girl through any means till the disposal of the case. If the petitioner attempts to get in touch with the victim girl and it is reported to the police and Court, it is made clear that the bail granted to the petitioner will be cancelled and thereafter, he will not be granted bail till the disposal of the case.

sd/-
09/12/2024

/ TRUE COPY /

09/12/2024

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

LR
TO

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

2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE,
KAYATHAR POLICE STATION,
THOOTHUKUDI DISTRICT.

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

MADURAI

<https://www.hmc.tn.gov.in/judis>



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ORDER

IN

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Date :09/12/2024

RS/IT/SAR-(09.12.2024) 5P 5C

Madurai Bench of Madras High Court is issuing
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