



CRL OP(MD). No.21476 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.21476 of 2024

Muthukumar

... Petitioner/Sole Accused

Vs

The State of Tamilnadu,
Rep By,
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
(Cr.No.577/2024.)

... Respondent/Complainant

For Petitioner : Mr.Muthukumar.P, Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Cr.No.577/2024 on the file of the respondent police.



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ORDER: The Court made the following order :-

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The petitioner / sole accused, who was arrested and remanded to judicial custody on 20.10.2024 for the offences under Sections 3(a) and 4 of POCSO Act r/w 137(2) of BNS Act, 2023 in Crime No.577 of 2024, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner forcibly kidnapped the minor victim girl against her will and subjected her to penetrative sexual assault.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent Police.

4. This Court carefully went through 183 BNSS statement that was recorded from the victim girl and also the materials placed before this Court.

5. It is seen that the petitioner was married and his wife died in the year 2021. A female child was also born out of the marriage. The petitioner and the victim girl seems to have had a love affair and this was not supported by the family of the victim girl. When the marriage was arranged for the victim girl, the petitioner and the victim girl decided to elope. These facts are evident from the statement that has been recorded from the victim girl under Section 183 of BNSS.

6. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner has suffered incarceration from 20.10.2024,



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this Court is inclined to grant bail to the petitioner subject to the following conditions:

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7. 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 learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, 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 respondent Police as and when required for interrogation.

[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



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

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

sd/-
10/12/2024

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10/12/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

To

1.The Sessions Judge,
Special Court for Exclusive Trial of Cases under POCSO Act,
Thoothukudi.

2.The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.

3.The Officer Incharge,
District Prison, Perurani,
Thoothukudi District.

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

+1 CC to M/s.P.MUTHUKUMAR, Advocate (SR-15150[I] dated 10/12/2024)



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ORDER

IN

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Date :10/12/2024

ED/ /SAR- (10/12/2024) 5P / 6C

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