



CRL OP(MD). No.21624 of 2024

WEB COPY 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.21624 of 2024

Appukutty @ Jegathesan

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep.By
The Inspector of Police,
All Women Police Station,
Kumbakonam,
Thanjavur District
In Crime No.8 of 2024.

... Respondent/Complainant

For Petitioner : Mr.K.Neethimohan, Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

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

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



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ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 01.10.2024 for the offences under Sections 6 r/w 5(1), 5(k) of POCSO Act and Section 351(2) of BNS (hereinafter referred to as new penal code) in Crime No.8 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the victim girl is a person of moderate intellectual disability. On 16.09.2024, there was some dispute between the family of the victim girl and the family of the accused. At that point of time, the mother of the petitioner is said to have abused the defacto complainant and her daughter in filthy language. In the light of this dispute, on 23.09.2024, the petitioner is said to have misbehaved with the victim girl.

3. Heard the learned Counsel appearing on either side.

4. This Court carefully went through the allegations made in the FIR and also Section 164 Cr.P.C/183 BNSS statement recorded from the victim girl. The manner, in which, this incident is projected looks very improbable. Considering the fact that



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there was a previous dispute between the parties and the petitioner has already suffered incarceration from 01.10.2024 and the investigation is pending, 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 Special POCSO Court, Thanjavur, 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 daily at 10.30 a.m until further orders.

[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.



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[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 Section 269 BNS 2023.

sd/-
09/12/2024

/ TRUE COPY /

09/12/2024
Sub-Assistant Registrar (WRIT)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR

TO

1. The Judge, Special POCSO Court,
Thanjavur.
2. The Superintendent,
Central Prison, Pudukottai.
3. The Inspector of Police,
All Women Police Station,
Kumbakonam, Thanjavur District



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

+1 CC to M/s.K.NEETHIMOHAN, Advocate (SR-15130[I] dated 09/12/2024)

ORDER
IN
CRL OP(MD) No.21624 of 2024
Date :09/12/2024

RK/ (09/12/2024) 5P / 6C

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