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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.300 of 2025

Umar Mukthar

... Petitioner/ Sole Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
All Women Police Station,
Madurai South,
(Thilagar Thidal), Madurai District.
Crime No.16/2024

... Respondent/Complainant

For Petitioner : Mr.S.Pakalavan,
Advocate

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

C-58B. For Bail in Crime No.16 of 2024 on the file of the Respondent Police.



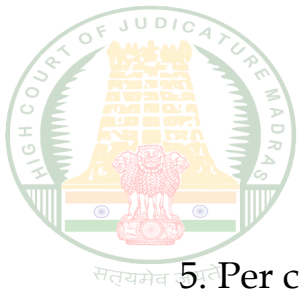
ORDER: The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 06.01.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner/sole accused was arrested and remanded to judicial custody on 03.07.2024 for the alleged offences punishable under Sections 5(n) 5(1), 6, 11(1), 12 of POCSO Act and Section 506(i) of I.P.C. in Crime No.16 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner, the victim's stepfather, sexually assaulted the victim, who is approximately 17½ years old. Hence, the case.

4. Mr.S.Pakalalvan, the learned counsel appearing for the petitioner, submits that for the very same offence and victim, an earlier complaint registered against the petitioner was taken on file as Spl.S.C.No.30 of 2016 before the learned Sessions Judge, Mahila Court, Madurai, and the case ended in acquittal as against the petitioner on 02.07.2019. He further submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been in judicial custody since 03.07.2024. He therefore prays to grant bail to the petitioner.



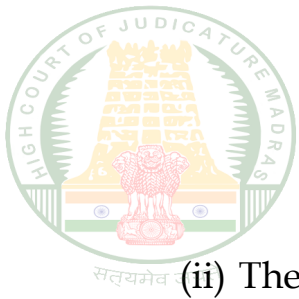
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5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl. side) appearing for the respondent-police, submits that the investigation in this case has already been completed, and the respondent police are going to file a charge sheet shortly. He would further submit that the statement of the victim under Section 164 of Cr.P.C. was recorded by the Judicial Magistrate. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. This Court has perused the statement of victim recorded by the Judicial Magistrate under Section 164 of Cr.P.C. and the First Information Report. Considering the fact that the petitioner has been in judicial custody for more than 200 days and that the investigation has already been completed and the charge sheet is yet to be filed, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Sessions Judge, Special Court for Trial under POCSO Act cases, Madurai;



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(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Sessions Judge, Special Court for Trial under POCSO Act cases, Madurai shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number;

(iv) The petitioner shall stay at Trichy and report before the Inspector of Police, Cantonment Police Station, Trichy daily at 10.30 am and 5.00 pm until further orders;

(v) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence; and

(vi) On breach of any of the aforementioned conditions, the learned Sessions Judge, Special Court for Trial under POCSO Act cases, Madurai is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].



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9. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

Sd/-
10/02/2025

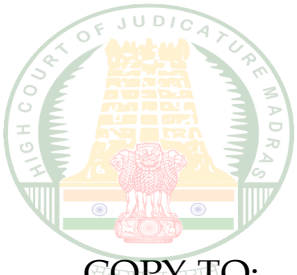
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10/02/2025
Sub-Assistant Registrar (PA)
Madurai Bench of Madras High Court,
Madurai - 625 023.

trp

TO

- 1 THE SESSIONS JUDGE,
SPECIAL COURT FOR TRIAL UNDER POCSO ACT CASES,
MADURAI.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MADURAI SOUTH, (THILAGAR THIDAL)
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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THE INSPECTER OF POLICE
CANTONMENT POLICE STATION, TRICHY.

+1 CC to M/s.S.PAKALAVAN, Advocate (SR-1537[I] dated 10/02/2025)

ORDER

IN

CRL OP(MD) No.300 of 2025

Date :10/02/2025

ES/SAR /10.02.2025/ 6P/7C

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