



CRL OP(MD). No.709 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/01/2025

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.709 of 2025

Umayakumar

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Rameswaram All Women Police Station,
Ramanathapuram District.
Crime No. 06/2024.

... Respondent/Complainant

For Petitioner	:	Mr.C.Senthil Murugan
For Respondent	:	Mr.S.Ravi, Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.06 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 11.05.2024 for the offences under Sections 5(1), 5(j)(ii) r/w 6 of POCSO Act and subsequently altered to Sections 5(1), 5(j)(ii), 5(n) r/w 6 of POCSO Act in Crime No.06 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, who was aged about 16 1/2 years, was the petitioner's wife's sister. The petitioner is said to have sexually assaulted this girl on several occasions and as a result, she also became pregnant.

3. The petitioner filed the earlier bail application in CrI.O.P(MD)No.20209 of 2024 and this Court considering the statement recorded under Section 183 of BNSS and also the seriousness of the allegations made, was not inclined to entertain the bail application and accordingly, the bail application was dismissed as withdrawn on 21.11.2024.

4. This is the second bail application filed on the ground that L.W.1 and L.W.2 have been examined in this case and both of them did not support the case of the prosecution.

5. The learned Additional Public Prosecutor appearing for the respondent police submitted that even though the DNA report supports the case of the prosecution, the victim girl while in the witness box did not support the case of prosecution and was treated as hostile. He further submitted that probably due to the close relationship between the parties, the victim girl chose not to support the case of the prosecution but however, the scientific evidence is in favour of the prosecution. He also submitted that there are no previous cases pending against the petitioner.



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6. Heard the learned Counsel appearing on either side.

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7. Taking into consideration the facts and circumstances of the case and considering the fact that this petitioner has already suffered incarceration from 11.05.2024 and also taking note of the fact that L.W.1 and L.W.2 have already been examined and they did not support the case of the prosecution and also considering the fact that there are no previous cases pending against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions.

8. 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 Fast Track Mahila Court (Mahaleer Neethimandram), Ramanathapuram District, 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 trial Court during every hearing date without fail.

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



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[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 BNS 2023.

sd/-
27/01/2025

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27/01/2025

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

LR
TO

1 THE JUDGE,
FAST TRACK MAHILA COURT (MAHALEER NEETHIMANDRAM),
RAMANATHAPURAM DISTRICT.

2 THE OFFICER INCHARGE, DISTRICT PRISON, RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE, RAMESWARAM ALL WOMEN POLICE STATION,
RAMANATHAPURAM DISTRICT.

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



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ORDER
IN
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Date :27/01/2025

RS/IT/SAR-(27.01.2025) 5P 5C
Madurai Bench of Madras High Court is issuing
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