

In the Court of Sessions Judge,POCSO Court, in Madurai
Present TMT. J.Flora.,M.L,
Dated this the 13th day of May 2020
[E-Crl.MP.No. 21 /2020](#)

Karuppaiah

Petitioner/accused

State through the
Inspector of police,
Vadipatti Police Station,
Madurai District,
(In crime no. 170/2020)

Respondent/Complainant

Order

The learned counsel for the petitioner/accused has filed this petition u/s 439 Cr.P.C before this court through E-mail.

The petitioner who is arrayed as accused was arrested and remanded to judicial custody on 6/03/2020 for alleged offences punishable u/s 5(l), 5(m), 6 of POCSO Act.

Heard both sides through Audio Conference call.

The case of the prosecution is that on 4.3.2020 at 4.30 p.m when the victim boy aged 10 years was returning from school, the petitioner/accused gave him beatings and took him in his two wheeler to a secluded place and committed sexual assault and on enquiry by the defacto complainant, the father of the victim boy he came to know that the petitioner/accused had repeated the same act on the victim boy previously due to which the victim boy suffered severe pain on his private part and thus the case was registered.

The learned counsel for the petitioner would urge this court for grant of bail on the ground that due to enmity between the petitioner/accused and the defacto complainant, he has been falsely implicated in this case and that the petitioner/accused is in judicial custody for the past 65 days and that this is the 3rd bail petition.

On the contrary, the learned Additional Public Prosecutor submitted that investigation is pending in this case and only during the course of investigation, it could be noted whether any other child is affected by the accused or not and that there is no change of circumstances between the previous bail petition and this present petition and that if the petitioner is released on bail, there is possibility of absconding as well as recurrence of similar crime.

Perused the records. It is seen that the 164 Cr.P.C statement of the victim boy has been recorded on 11.3.2020 by the learned Judicial Magistrate, Vadipatti. Already the previous bail petitions filed by the petitioner/accused has been dismissed on 24.4.2020 and on 4.5.2020. In any event, the petitioner/accused has been languishing in the prison right from 6.3.20 and on considering the urgent need and necessity to ensure social distancing and thereby reducing the scope of infection, I am inclined to grant interim bail to the petitioner till 3.6.2020 on the following conditions,

- i) the petitioner shall execute a personal bond of RS.10000 alongwith id proof and photo before the Superintendent of Prison, Madurai.
- ii) The Superintendent of Prison, Madurai is directed to send the bail bond to this court after executing the bail bond
- iii) the petitioner shall remain in the house for the next twenty days from the date of his release and surrender before this court on 4.6.2020, without fail and execute a fresh bond with two sureties.

J.Flora
Sessions judge,
Special Court for exclusive trial of
cases under POCSO Act, Madurai.

