

In the Court of Sessions Judge, Special Court for Trial of Cases under  
POCSO Act, Madurai.

Present: Tmt. J. Flora, M.L.,  
Sessions Judge, Special Court for Trial of Cases under  
POCSO Act, Madurai.

Dated this the 6th day of June 2020.

e.Criminal Miscellaneous Petition No.35/2020

Ayyanar Pandi  
S/o. Dhanuskodi

-- Petitioner /Accused

/vs/

State through the Sub-Inspector  
of Police, Sedapatti Police Station,  
in Crime No.29/2020

-- Respondent/ Complainant.

### ORDER

This petitioner/accused had filed the petition seeking bail. The petitioner/accused was arrested and remanded to judicial custody on 31.01.2020 for alleged offences punishable u/s . 9(m), 11(i), 10, 12 of Protection of Children from Sexual offences Act 2012 and 376 r/w 511 of IPC.

Heard both sides through Audio Conference call

The case of the prosecution is that the petitioner/accused is residing opposite to the house of the victim girl and on 31.03.2020 at 4.30 pm. while the victim girl aged 8 years was playing alongwith her younger sister near her residence, the petitioner/accused gagged her mouth, carried her in his shoulder and took her to the nearby quarry and on seeing the same, the younger sister of the victim girl reported the incident to her mother and immediately the mother went there, whileso she saw the petitioner/accused removing his dhoti and attempting to committ sexual assault on the victim girl, immediately she took the wooden log and hit him on the head and took her daughter to her house and in view of the above incident, the mother of the victim girl preferred the complaint and thus the case was registered.

The learned counsel for the Petitioner/Accused submitted that it was alleged by the prosecution that there was a mere attempt by the petitioner/accused, that the petitioner/accused has no previous case and he is in the judicial custody for the past 120 days and the victim girl in her 164 Cr.P.C statement has just stated that there was an attempt to commit sexual assault.

The learned Special Public Prosecutor had contended that the age of the victim girl is 8 years, the petitioner/accused had committed sexual assault upon the child with sexual intent, that the petitioner/accused was remanded only on 31.01.2020 that the 164(1) Cr.P.C Statment of

the victim child clearly shows the act of the accused, the investigation has been completed in this cases and in this stage if the petitioner/accused is released on bail he may involve in an another offence, he may tamper the witnesses and hence strongly objected to enlarge the petitioner on bail.

Perused the case records . According to the prosecution the petitioner/accused had carried the victim girl aged 8 years who was playing near her residence to the nearby quarry and on seeing the same the younger sister of the victim girl had reported the incident to her mother and her mother immediately came to the spot and at that time the petitioner/accused had removed his dhoti and attempted to committ sexual assault as a result of which the mother of the victim girl had preferred the complaint. It is pertinent to note from the 164(1) Cr.P.C Statements of the victim girl and her younger sister that the petitioner/accused had carried the victim girl near the quarry and had attempted to committ sexual assault on the victim girl and on being informed by the younger sister of the victim girl to her mother she had immediately come to the spot and on seeing the petitioner/accused removing his dhoti and attempting to committ sexual assault on the victim girl she had hit him. It is further noted that investigation is completed in this case. Hence as the petitioner/accused is languishing in the prison right from 31.01.2020 and 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 29-06-2020 on the following conditions;

i) the petitioner shall execute a personal bond of RS.10000/- before Superintendent of Prison, Madurai alongwith ID proof and photo.

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 his house for the next twenty days from the date of his release and surrender before this court on 30/06/2020, without fail and execute a fresh bond with two sureties

Sessions Judge,  
Special Court for trial of cases under  
POCSO Act, Madurai.



