

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.08.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.7440 of 2020

Ganapathy

... Petitioner

Vs.

State by
Inspector of Police
All Women Police Station,
Pollachi,
Coimbatore.
(Crime No.04 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail concerned in Crime No.4 of 2020 pending on the file of the respondent.

For Petitioner : Mr.M.N.Balakrishnan

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The learned Government Advocate (Criminal Side) would submit that the petitioner has been granted interim bail by this Court vide order dated 05.05.2020 and the investigation is pending. He would further submit that the medical examination on the petitioner has not been completed.

2. At this juncture, the learned Counsel for the petitioner submitted that the petitioner is prepared to abide by any conditions including medical examination and prays that the interim order granted to the petitioner may be made absolute.

3.Taking into the consideration of the fact that the petitioner has been granted interim bail by this Court vide order dated 05.05.2020 and the petitioner is prepared to subject himself for medical examination, the interim bail granted by this Court vide order dated 05.05.2020 is hereby made absolute subject to the following conditions:

(a) Accordingly, the petitioner is directed to surrender on condition to execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore. within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, failing which the bail granted by this Court shall stand dismissed automatically;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter every Monday at 10.30 a.m. until further orders.

(d) After lifting of lockdown, the petitioner shall co-operate to subject himself for medical examination before the concerned authority.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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];

(i) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
05/08/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE SESSIONS JUDGE,
SPECIAL COURT FOR TRIAL OF POCSO ACT CASES,
COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
POLLACHI, COIMBATORE.

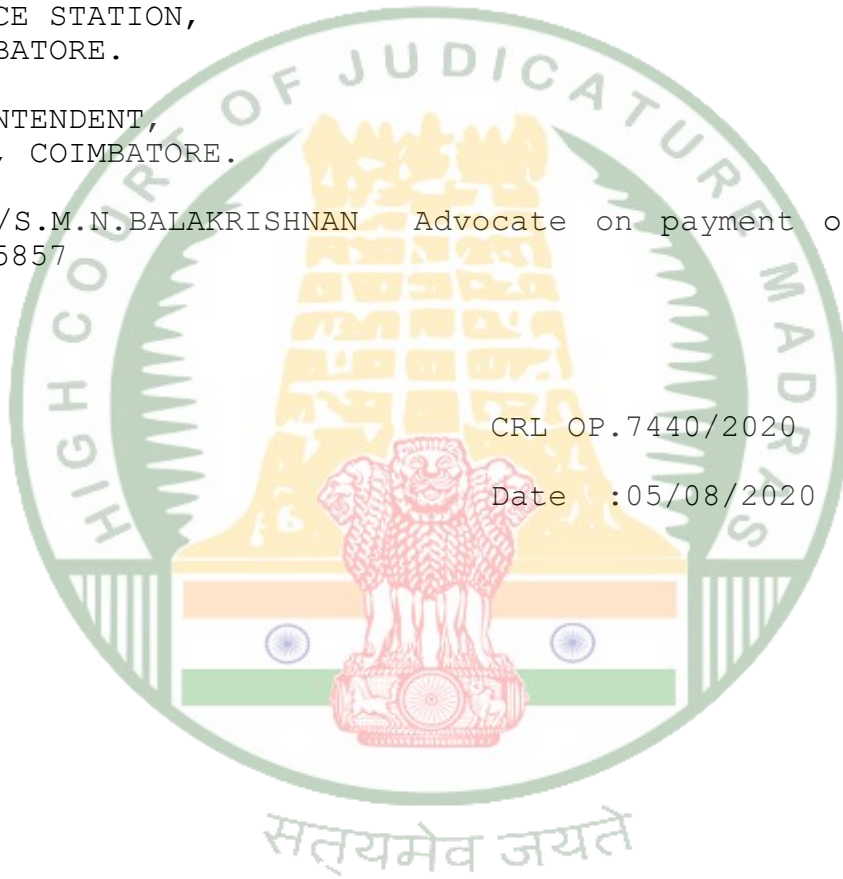
4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1 CC to M/S.M.N.BALAKRISHNAN Advocate on payment of necessary
charges SR.No.5857

CRL OP.7440/2020

Date :05/08/2020

cs 07/08/2020



WEB COPY