

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2020

CORAM

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.9740 of 2020

Prakash, M/31 years
S/o.Devendiran
Jeeva Nagar
Kondappanaickanpetti
Kannangurichi
Salem District.

.. Petitioner

Vs.

The State rep. by
The Inspector of Police,
AWPS Ammapet
Salem District
Cr. No.1/2020

..Respondent

Prayer: Criminal Original Petition filed under Section 439(1)(b) of Criminal Procedure Code, praying to modify the condition imposed by the learned Special Court Exclusive Trial of Cases under POCSO Act, Salem in order dated 29.04.2020 in Crl.M.P No.176 of 2020 directing the petitioner to execute a bond of Rs.50,000/- with two sufficient solvent sureties for like sum each.

For Petitioners : Mr.G.Magesh Kumar

For Respondent : Mr.K.Prabakar

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

This petition has been filed seeking to modify the condition imposed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Salem in order dated 29.04.2020 in Crl.M.P No.176 of 2020 directing the petitioner to execute a bond of Rs.50,000/- with two sufficient solvent sureties for like sum each.

2. The learned counsel for the petitioner would submit that the petitioner was arrested in Crime No.1 of 2020 registered by the respondent for the offences under Section 9(l) r/w 10 of PCSO Act on 08.01,2020. Since the final report was not filed within the statutory period, **bail was filed through the Superintendent of Prison, Salem.** The Special Judge for Exclusive Trial of Cases under POCSO Act, Salem was pleased to grant statutory bail to the petitioner on 29.04.2020 in Crl.M.P No.176 of 2020, with a condition to execute a bond for Rs.50,000/- with two sufficient solvent sureties for like sum each and also imposed condition that the petitioner should appear before the Court at 10.00 a.m until further orders. The learned counsel for the petitioner would further submit that since the petitioner is inside the prison, he is unable to arrange sureties to the value of Rs.50,000/- and also due to Covid-19, the petitioner was unable to furnish sureties. However, he would submit that if the petitioner is directed to be released on bail on his own bond, he would be able to furnish sureties for a lessor amount before the concerned Court within the time limit fixed by this Court. He would further submit that despite the bail granted by the trial Court on 29.04.2020, the petitioner is inside the jail till date and thereby, he seeks for modification of bail condition.

3. The learned Additional Public Prosecutor submitted that the trial Court had granted statutory bail to the petitioner on 29.04.2020. However, since the petitioner has not furnished sureties, the petitioner is still in custody.

4. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, this Court is inclined to modify the condition imposed by the trial Court.

i) the petitioner shall be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of Central Prison, Salem.

ii) After coming out on bail, the petitioner shall furnish two sureties for Rs.10,000/- (Rupees ten thousand only) for a like sum each within a period of four weeks.

iii) the petitioner shall appear before the trial Court on every Monday at 10.30 a.m until further orders.

(iv) in the event of failure of furnishing sureties within a period of four weeks, the bail shall stand automatically cancelled.

With the above directions, the criminal original petition stands ordered.

30.06.2020

Index: Yes/No.

Internet/Yes/No

Speaking order/Non-speaking order

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To

- 1.The Special Court Exclusive Trial of Cases under POCSO Act, Salem
2. The Superintendent of Central Prison, Salem.
- 3.The Inspector of Police,
AWPS Ammapet
Salem District
4. The Public Prosecutor
High Court of Madras.



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