

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2020

CORAM

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

Crl.O.P.No.16118 of 2020

Tirumalai

S/o.Duraisamy

... Petitioner

Vs.

State rep by its

The Inspector of Police

All Women Police Station

Salem Rural

Crime No.4 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 439(1)(B) Cr.P.C. to modify the condition “on executing a bond for Rs.50,000/- with two sureties for like sum each and among the sureties one shall be government servant and naother shall be a close blood relative of the petitioner / accused” order passed in Crl.M.P.No.339 of 2020 in crime No.4 of 2020 on the file of the Special Court Exclusive Trial of cases under POCSO Act, Salem.

For Petitioner : Mr.R.Krishnakumar

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

This criminal original petition has been filed to modify the condition imposed on the petitioner in Crl.M.P.No.339 of 2020 by the Special Court Exclusive Trial of cases under POCSO Act, Salem, directing the petitioner to execute a bond for sum of Rs.50,000/- with two sureties for like sum and among the two sureties one shall be a government servant and the another shall be a close blood relative of the petitioner / accused.

2. The learned counsel appearing for the petitioner would submit that the petitioner was arrested on 11.05.2020 in Crime No.4 of 2020 registered by the respondent police for the offence under Section 6 r/w 5 (1) (n) of POCSO Act and he was remanded to judicial custody on the very same day. Since the respondent did not file final report within the time, the petitioner was granted bail under Section 167(2) of Cr.P.C on 24.08.2020 in Crl.M.P.No.339 of 2020. At the time of granting bail, the Court below has imposed the condition on the petitioner to execute a bond for a sum of Rs.50,000/- with two sureties for like sum each and among the sureties, one shall be a Government servant and another shall be a close blood relative of the petitioner/accused. He further

submitted that the petitioner is unable to get any government servant to stand as surety to him. Further, the petitioner is unable to get solvency certificate from the Revenue Officials due to the pandemic situation and thereby despite the bail being granted on 24.08.2020, the petitioner unable to come out on bail and he has been suffering incarceration for more than 9 months. He would further submit that instead of furnishing Government surety and blood relative surety for a sum of Rs.50,000/-, the petitioner in the alternative is prepared to furnish two sureties who are his close relatives and the sureties are also prepared to deposit a sum of Rs.25,000/- each by way of cash surety instead of executing a bond for Rs.50,000/- and thereby he seeks for modification of condition.

3.The learned Additional Public Prosecutor submitted that the petitioner was arrested in Crime No.4 of 2020 for the offence under Sections 6 r/w 5 (1) (n) of POCSO Act and that he was granted statutory bail by the Court below under Section 167(2) of Cr.P.C on 24.08.2020 in Crl.M.P.No.339 of 2020.

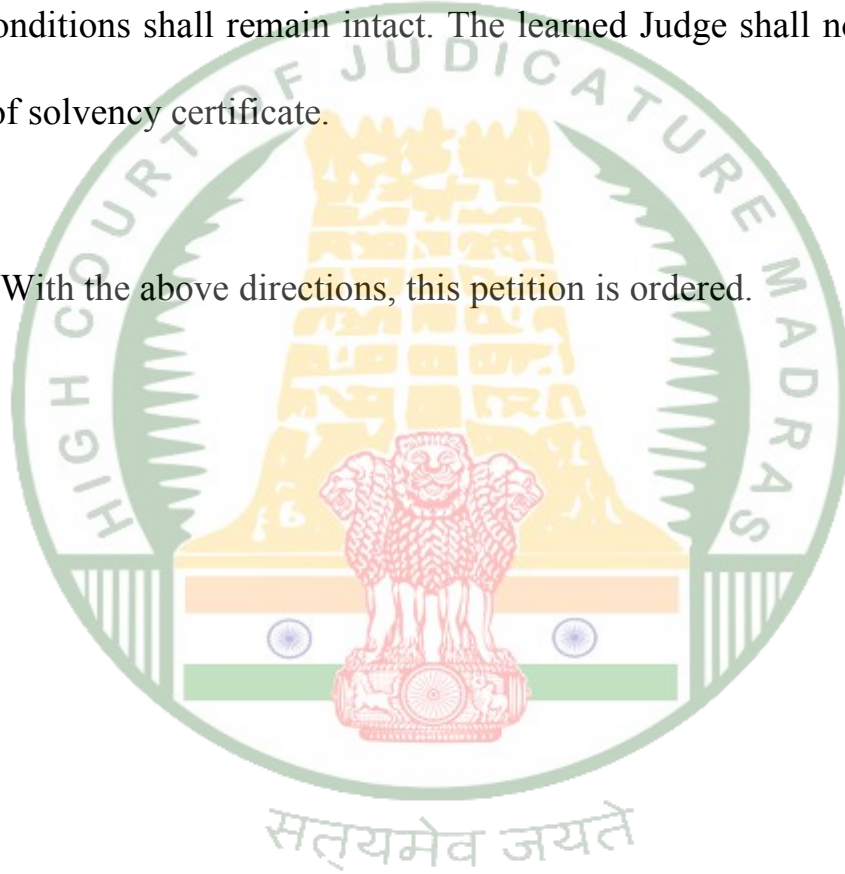
4. Taking into consideration the facts and circumstances, this Court is inclined to modify the condition to the effect that the petitioner is ordered to be

released on bail on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties (Close relatives of the petitioner) each for like a sum and the sureties shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each as cash surety before the concerned Court. The other conditions shall remain intact. The learned Judge shall not insist for production of solvency certificate.

5. With the above directions, this petition is ordered.

09.10.2020

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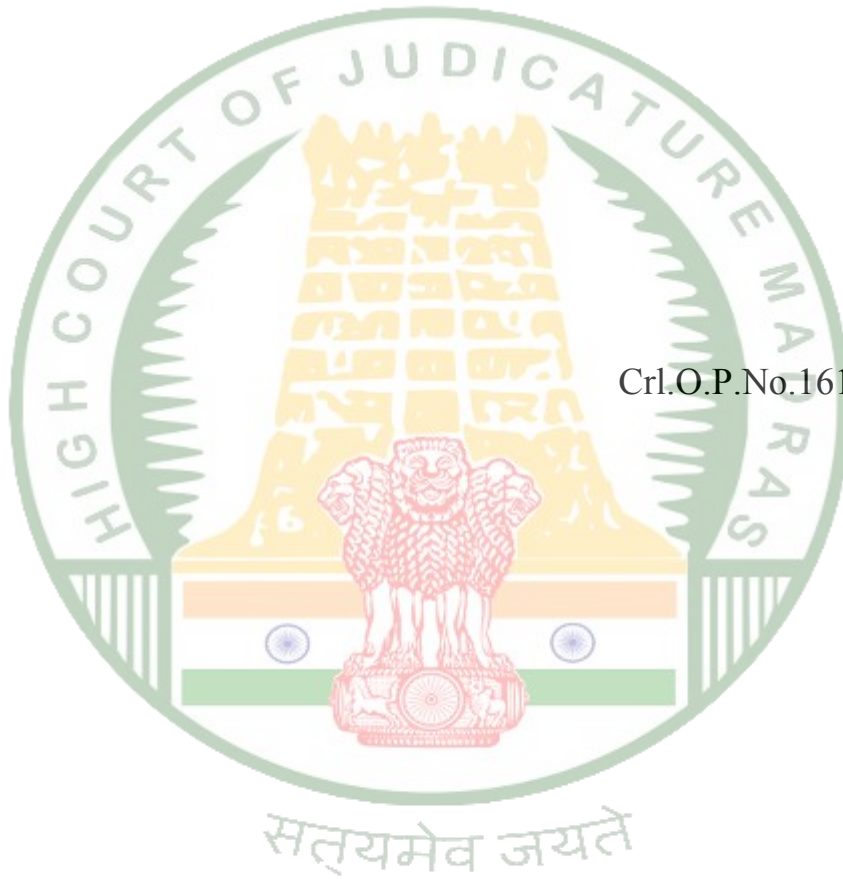
1. Special Court Exclusive Trial of Cases under POCSO Act,
Salem.
- 2.. The Inspector of Police
All Women Police Station
Salem Rural
3. The Superintendent
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

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