

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2020

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

Crl.O.P.No.18166 of 2020

Rahul
Son of Thangaraj

.. Petitioner

Vs.

The State Represented by
The Sub Inspector of Police,
AWPS West Police Station
Coimbatore.
(Crime No.9 of 2019)

.. Respondent

PRAYER: Criminal Original petitions have been filed under Sections 439 (1) (b) of the Code of Criminal Procedure, to modify the condition imposed in Crl.M.P No.353 of 2020 dated 08.09.2020 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore by allowing this present criminal original petition.

For Petitioner : Mr.Deepan Uday

For Respondent :Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

This Criminal Original Petition has been filed seeking for modification of the condition imposed by the Court below.

2. The petitioner was arrested and remanded to judicial custody on 29.11.2019 and therefore, he filed a petition for statutory bail before the Court below. The Court below while granting statutory bail to the petitioner has imposed the following condition:

“In the result, this petition is allowed and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum each”

3. The learned counsel for the petitioner would submit that the petitioner was arrested in Crime No.9 of 2019 for the offences punishable under Section 5(u) r/w 6, 9(g) r/w 10, 13 r/w 14 & 17 of POCSO Act 2012 and 354(B), 506(ii) IPC and remanded to judicial custody on 29.11.2019. He would further submit that the respondent did not file the final report

after the lapse of statutory period, the petitioner had applied for bail and the petitioner was granted bail by the Court below in C.M.P No.353 of 2020 on 08.09.2020. However, the learned Magistrate imposed a condition that the petitioner shall be released on bail on his executing a bond for Rs.10,000/- with two sureties for a like sum each. He would further submit that excepting the petitioner's mother, no one is earning in his family and therefore, the petitioner is unable to produce two sureties and thereby he seeks for modification of the condition. He would further submit that despite the order having been granted on 08.09.2020, the petitioner is still in custody.

4. Heard the learned Additional Public Prosecutor appearing for the respondent.

5. 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 Court below.

6. In the result, the condition imposed by the Court below dated 08.09.2020 is modified to the effect that the petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety and the surety shall be the mother of the petitioner. The other condition imposed by the Court below shall stand unaltered.

7. This Criminal Original Petition is disposed of, with the above modification.

19.11.2020

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To

1.The Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore.

2. The Sub Inspector of Police,
AWPS West Police Station
Coimbatore.

3.The Public Prosecutor,
Madras High Court.

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A.D.JAGADISH CHANDIRA,J
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