

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 15.12.2020

CORAM

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

CrI.OP.No.19851 of 2020

Subramani
S/o.Angamuthu ... Petitioner

Vs.

State rep.by
The Inspector of Police,
Attur Rural Police Station,
Salem District.
(Crime No.64 of 2020) ... Respondent

Prayer: Criminal Original Petition filed under Section 439 (1) (b) of Cr.P.C. to modify the condition in so far as the condition namely "one among surety shall be a Government Servant" which was imposed by the learned Session Judge Special Court for Exclusive Trial of Cases Under POCSO Act, Salem in CrI.M.P.No.246 of 2020 in Crime No.64 of 2020 by order dated 18.06.2020.

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For Petitioner : Mr.R.Thirumoorthy

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The criminal original petition has been filed to modify the condition in so far as the condition namely "one among surety shall be a Government Servant" which was imposed by the learned Session Judge Special Court for Exclusive Trial of Cases Under POCSO Act, Salem in Crl.M.P.No.246 of 2020 in Crime No.64 of 2020 by order dated 18.06.2020.

2. The learned Counsel for the petitioner submitted that the petitioner was arrested and remanded to judicial custody on 16.03.2020 in Crime No.64 of 2020 registered by the respondent police for the offences under Sections 5(n) r/w 6 POCSO Act and Section 506(ii) of IPC. The petitioner has filed a statutory bail application under Section 167(2) of Cr.P.C before the learned Session Judge Special Court for Exclusive Trail of Cases under POCSO Act, salem in Crl.M.P.No.246 of 2020. The learned Session Judge Special Court for Exclusive Trail of Cases under POCSO Act, salem has allowed the Crl.M.P.No.246 of 2020 dated 18.06.2020, while granting bail to the petitioner, the learned judge has imposed the condition to the petitioner is that the petitioner released on bail under Section 167(2) of Cr.P.C on executing a bond for Rs.50,000/- with two sureties for like sum each and one among surety shall be a Government servant and another surety shall be a close blood

relative. The learned counsel for the petitioner further submitted that though the petitioner was granted bail on 18.06.2020, the petitioner is unable to come out from the prison on account of non execution of surety by producing the Government servant surety and the petitioner still in judicial custody. Hence, he prays to modify the said condition and permit the petitioner to furnish a close blood relative surety before the concerned Magistrate.

3. The learned Additional Public Prosecutor submitted that the petitioner was arrested on 16.03.2020 and the petitioner was granted statutory bail under Section 167(2) of Cr.P.C by the learned Session Judge Special Court for Exclusive Trail of Cases under POCSO Act, Salem, on 18.06.2020 in CrI.M.P.No.246 of 2020.

4. Taking in to consideration the facts of the submissions made by the learned Counsel for the petitioner and considering the fact that the petitioner is in judicial custody from 16.03.2020 and unable to come out from the prison despite bail is granted to him on 18.06.2020, this Court is inclined to modify the condition and the said condition is modified to the effect that the petitioner is ordered to be released on bail on executing bond for a sum of Rs.25,000/- with two close blood relative sureties each for a like sum to the satisfaction of the learned Session Judge Special Court for Exclusive Trail of Cases under POCSO Act, Salem. The other

conditions shall remain intact.

5. Accordingly, this petition is ordered.

15.12.2020

Internet : Yes/No

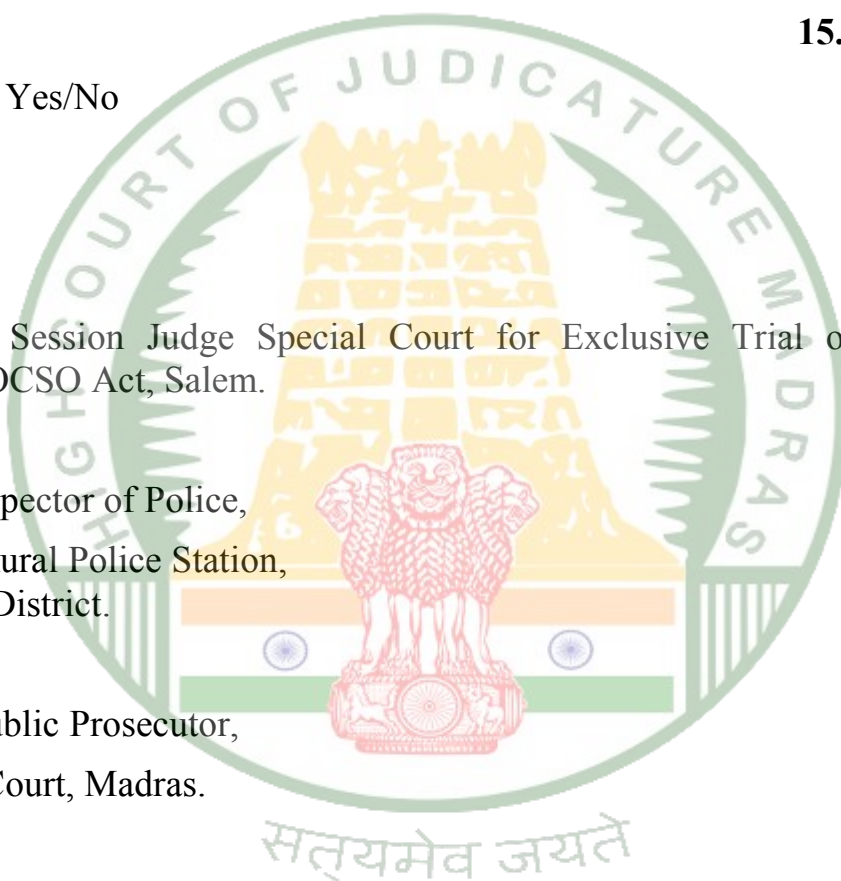
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To

1. The Session Judge Special Court for Exclusive Trial of Cases Under POCSO Act, Salem.

2. The Inspector of Police,
Attur Rural Police Station,
Salem District.

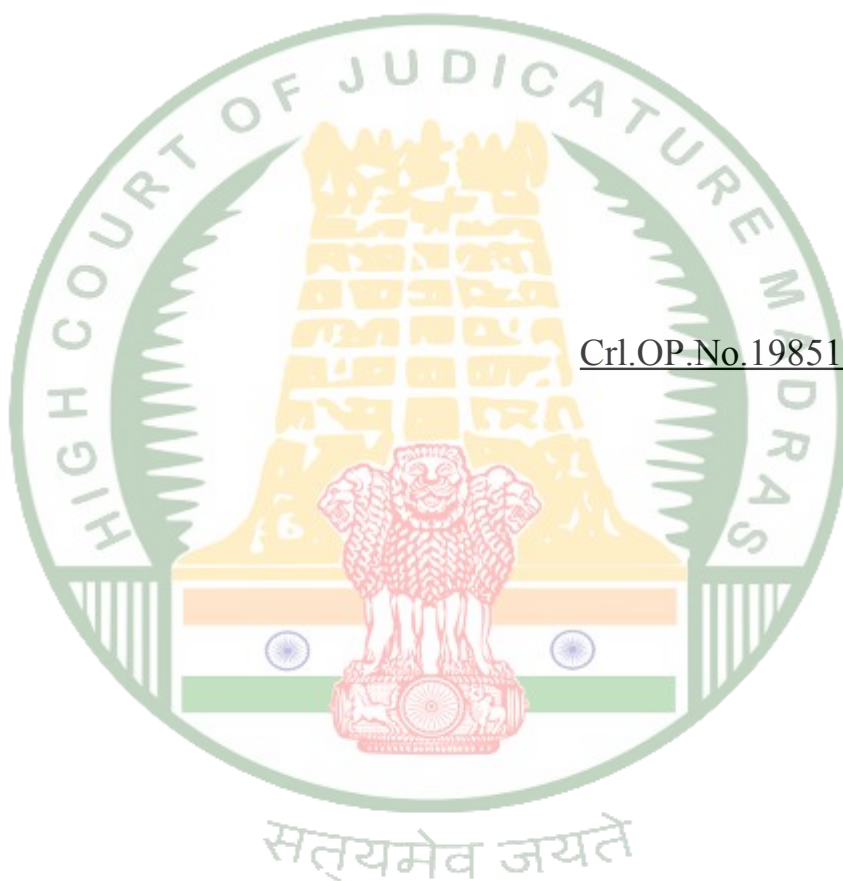
3. The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

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