



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/01/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.482 of 2020

SUBASH

... PETITIONER/SOLE ACCUSED

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
TISAIYANVILAI POLICE STATION,
TIRUNELVELI.

IN CRIME NO.325 OF 2018.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.D.Venkatesh,
Advocate.

For Respondent : M/s.M.Ananthadevi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

for Bail Crime No.06 of 2020 on the file of the Respondent Police.

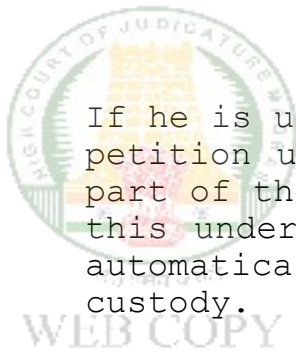
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is arrayed as sole accused. He was arrested and remanded to Judicial Custody on 19.12.2019 for the offences punishable under sections 363 of I.P.C. and Section 8 of POCSO Act, in Crime No.325 of 2018 on the file of the respondent police. He seeks bail.

3. The petitioner came to be arrested following the issuance of Non Bailable Warrant. The period of abscondance was only for about three months.

4. The petitioner's counsel gives an undertaking that the
<https://hcservices.courts.gov.in/hcservices/> attend all the future hearings without any default.



If he is unable to appear, his counsel will represent him and file a petition under Section 317 of Cr.P.C. On account of failure on the part of the petitioner, the trial will not be stalled henceforth. If this undertaking is breached, the benefit of this order will stand automatically vacated and the petitioner will be remanded to custody.

5. Recording the said undertaking given by the petitioner's counsel, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge(Special Court for POCSO Act cases), Tirunelveli.

(ii) the petitioner is directed to appear before the respondent police as and when required for the interrogation.

(iii) on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].

sd/-
10/01/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE SESSIONS JUDGE
(SPECIAL COURT FOR POCSO ACT CASES),
TIRUNELVELI.
- 2 THE INSPECTOR OF POLICE
TISAIYANVILAI POLICE STATION,
TIRUNELVELI.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



+1 CC to M/s.D.VENKATESH, Advocate (SR-688[I] dated 10/01/2020)

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PMU

JM/PN/SAR 4/10.01.2020/3P/6C

ORDER

IN

CRL OP (MD) No.482 of 2020

Date :10/01/2020