



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 12/06/2020

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN
CRL OP (MD) . No.6122 of 2020

Selvam

... Petitioner/Accused

Vs

The State rep.by

The Special Sub-Inspector Of Police,

Allinagaram Police Station, Theni, Theni District.

(Crime No.188 of 2020).

... Respondent/Complainant

For Petitioner : Mr.G.Vanjinathan,

Advocate.

For Respondent : Mr.A.Robinson,

Government Advocate (Crl.Side)

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

PRAYER :-

To enlarge him on bail in Cr.No. 188 of 2020 on the file of the Special Sub Inspector of Police, Allinagaram Police Station, Theni District.

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 was arrested on 29.02.2020 for the offences punishable under sections 294(b), 366 & 506(i) of IPC and Section 6 of POCSO Act, 2012 in Crime No.188 of 2020 on the file of the respondent police. He Seeks bail.

3. The learned counsel for the petitioner submitted that even though the statutory period got expired, final report has not been filed. Therefore, the petitioner is entitled to default bail.

4. This case is arising out of POCSO Act. Therefore, this Court has to be mindful about the possibility of the petitioner coming in contact with the victim girl.

5. The learned counsel for the petitioner states that the petitioner undertakes that he will stay at Dindigul District and not enter the District of Theni and under no circumstances, the petitioner will come and contact with the victim girl and he will not file any petition for modification of the condition imposed on him till the victim girl is examined by the Special Court.

6. If the undertaking is breached, this Court will not hesitate to cancel this bail and order re-arrest of the petitioner. Recording the undertaking given by the petitioner, I am inclined to grant bail



to the petitioner. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) the petitioner shall be released on own bond by the Judge without insisting on sureties. However, the petitioner is directed to 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, Fast Track Mahila Court, Theni, after the concerned Court is reopened on regular basis.

(ii) the petitioner is directed to stay at Dindigul District and the undertaking given by the petitioner holds good till the victim girl is examined in the regular trial by the Special Court.

(iii) on breach of any of the aforesaid conditions, the 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 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/-
12/06/2020

/ TRUE COPY /

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE SESSIONS JUDGE, FAST TRACK MAHILA COURT, THENI.
- 2 THE OFFICER INCHARGE,
SUB JAIL, THEKKAMPATTI, ANDIPATTI TALUK, THENI DISTRICT.
- 3 THE SPECIAL SUB-INSPECTOR OF POLICE,
ALLINAGARAM POLICE STATION, THENI, THENI DISTRICT.
- 4 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6122 of 2020
Date :12/06/2020