



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

Date : 31/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN
CRL OP(MD) . No.9141 of 2020

WEB COPY

M.Mohanraj,

...Petitioner/Sole Accused

Vs

State Rep by
The Inspector of Police,
All Women Police Station,
Jeeyapuram,
Trichy District
Cime No. 5 of 2017.

... Respondent/Complainant

For Petitioner : M/s.K.Arunraj,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No. 05 of 2017 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner/sole accused herein was arrested and remanded to
judicial custody on 25.02.2020 for the alleged offences under
Sections 7,8 and 12 of POCSO Act 2012.

2. Earlier the petitioner was arrested and released on bail.
Thereafter the petitioner did not appear before the trial Court ,
hence Non Bailable Warrant was issued on 19.08.2019. The petitioner
was arrested on execution of Non Bailable Warrant on 25.02.2020.

3.The learned counsel for the petitioner would submit that the
petitioner is regularly appearing before the trial Court on all
hearing dates and due to his ill health he was unable to appear
before the trial Court, due to which Non Bailable Warrant came to
be issued on 19.08.2019 and the petitioner was remanded to custody
pursuant to the execution of Non Bailable Warrant on 25.02.2020.

4. The learned Additional Public Prosecutor would submit that
<https://hcservices.ecourts.gov.in/hcservices/> the year 2017 and the trial is pending. Further, if
the petitioner is released on bail, he may abscond again. Hence he
opposed to grant bail to the petitioner.



5. Taking into consideration all the allegations made against the petitioner and also the fact that the petitioner was arrested on execution of Non bailable Warrant and also taking into consideration the period of incarceration, this Court inclined to grant bail to the petitioner by imposing conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court, Tiruchirapalli.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the trial Court once in a week on every Monday at 10.30 a.m until further orders.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) 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].

vi) If the petitioner/ accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

Sd/-

31/08/2020

// True Copy //

/ /2020

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-625023

AAV

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, Mahila Court,
Tiruchirapalli.
2. The Superintendent, Central Jail, Trichy
3. The Inspector of Police,
All Women Police Station, Jeeyapuram,
Trichy District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.9141 of 2020

Date : 31/08/2020

AP/RSK/SAR-2 (31/08/2020) 3P 5C