



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

Friday, the Eighteenth day of September Two Thousand Twenty

PRESENT

The Hon'ble Mr. Justice V.BHARATHIDASAN

CRL MP (MD) No.4614 of 2020

IN

CRL OP (MD) No.8130 of 2020

M.KALIRAJ

... PETITIONER/PETITIONER

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAJAPALAYAM, VIRUDHUNAGAR.
(CRIME No. 9 OF 2020)

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to modify the condition imposed on the petitioner in so far as furnishing suretyship certificates in Crl.O.P(MD)No.8130 of 2020 dated 06.08.2020 and to pass such further or other orders as this Hon'ble court may deem think fit and proper in the nature and circumstances of the case.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.A.BALAJI, Advocate for the petitioner and of Mr.K.SUYAMBULINGA BHARATHI, Government Advocate (Crl.side) on behalf of the Respondent, the court made the following order:-

This petition has been filed to modify the condition.

2. This Court, by an order dated 06.08.2020 in Crl.OP.(MD) No.8130 of 2020, granted bail to the petitioner on condition that the petitioner shall execute 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 Special Court for exclusive trial of Cases under the POCSO Act, Virudhunagar District.

3. The learned counsel appearing for the petitioner submitted that at the time of furnishing sureties, the petitioner has obtained Surety certificate from the concerned Village Administrative Officer regarding the property owned by the petitioner, but the learned Special Judge, Special Court for Exclusive Trial of Cases under the POCSO Act, Virudhunagar District has not accepted his sureties insisting a certificate from the Tahsildar. Thereafter the petitioner's family members have



approached the concerned Tahsildar for obtaining surety certificate and the Tahsildar so far has not issued the surety certificate. Though, this Court has granted bail to the petitioner on 06.08.2020, nearly more than 40 days, the petitioner has not come from jail and he is still in custody. Hence he has filed the present petition.

4. Heard the learned Government Advocate (criminal side) appearing for the respondent police.

5. Considering the facts and circumstances, the learned Special Judge, Special Court for Exclusive Trial of Cases under the POCSO Act, Virudhunagar District is directed to accept the surety certificate issued by the Village Administrative Officer without insisting for the certificate of the Tahsildhar. All other conditions in the said order shall remain unaltered.

6. With the above direction the Criminal Original Petition is allowed.

sd/-
18/09/2020

/ 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 JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER THE POCSO ACT,
VIRUDHUNAGAR DISTRICT.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAJAPALAYAM, VIRUDHUNAGAR.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
4. THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.

ORDER IN
CRL MP(MD) No.4614 of 2020 IN
CRL OP(MD) No.8130 of 2020
Date :18/09/2020