

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2021

CORAM

THE HONOURABLE **MR.JUSTICE V.BHARATHIDASAN**

Crl.O.P.No.2579 of 2021

J.John Paul

.. Petitioner

Vs.

The State of Tamil Nadu,
Rep by the Inspector of Police,
All Women Police Station,
Salem Town,
Salem District.

.. Respondent

PRAYER: Criminal Original Petition has been filed under Sections 439 (1) (b) of the Code of Criminal Procedure, modify the bail conditions imposed in Crl.M.P.No.7 of 2021 on the file of the Sessions Judge, Special Court for exclusive trial Cases under POCSO Act at Salem dated 22.01.2020 in so far as the condition to execute bail bond for Rs.50,000/- and two sureties of close blood relative of the petitioner less than 55 year old are concerned.

For Petitioner : Mr.C.K.Appaji

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to modify the condition imposed by the Session Judge, Special Court for Exclusive trial Cases under POCSO Act, Salem. The petitioner who was arrested and remand to judicial custody on 05.12.2020 for the offence under Sections 363, 366, 342, 346 of IPC and Section 6 r/w 5(1) of POCSO Act and Section 9 of Prohibition of Child Marriage Act 2006, in Crime No.37 of 2020. Subsequently, the petitioner filed a bail application in Cr.M.P.No.7 of 2021. On 22.01.2021, the Court below granted bail with the following condition

"In the result, the petitioner /accused is enlarge on bail on executing a bond for a Rs.50,000/- with two sureties for like sum each and both the sureties shall be a close relative of the petitioner/accused and less than 55 years old and on getting release from the prison the petitioner/accused shall appear before the respondent daily at 9.00 Am until further orders."

2. The learned counsel for the petitioner would submit that the condition imposed by the trial Court is onerous and the petitioner is not in a position to get a sureties from the blood relative and less than 55 years old. However, he is ready and along with produce the sureties from his close

relative.

3. Heard the learned Additional Public Prosecutor appearing for the respondent police.

4. Considering the facts and circumstances of the case, the condition imposed by the Court below is modified to the effect that the petitioner is directed to execute a bond for a sum of Rs.50,000/- with two sureties for like sum each and both the sureties shall be a relative of the petitioner-. The other conditions imposed by the Court below remains intact.

5. This Criminal Original Petition is disposed of, with the above modification.

msrm

12.02.2021

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V.BHARATHIDASAN,

J

msrm

To

- 1.The Sessions Judge,
Special Court for Exclusive Trial of Cases
Under POCSO Act, Salem
- 2.The Inspector of Police,
All Women Police Station,
Salem District..
- 3.The Public Prosecutor,
Madras High Court.

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