



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.17951 of 2021

Sharjan @ Tharjan,

... Petitioner

Vs.

The State Rep by
The Inspector of Police,
W-24, All Women Police Station,
Teynampet,
Chennai 600 018
(Crime No.1467 of 2017)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in connection with SC.No.26 of 2018 in Crime No.1467 of 2017 pending investigation on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Chennai.

For Petitioner : Mr.S.Shanmuga Velayutham

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested on 20.07.2021 and remanded to judicial custody for the offences under Sections 366A of IPC and 6 of POCSO Act 2012 in SC.No.26 of 2018 Special Court for Exclusive Trial of Cases under POCSO Act, Chennai in Crime No.1467 of 2017 on the file of the respondent police. seeks bail.

2. It is the case of the prosecution that the petitioner was implicated for the offence under under Sections 366A of IPC and 6 of POCSO Act 2012 in Crime No.1467 of 2017. Subsequently, the petitioner was enlarged on bail. When the case was posted for hearing he did not appear before the Court. Accordingly, the lower Court issued Non Bailable Warrant against the petitioner for his non appearance and he was secured on 20.07.2021.



3.The learned counsel appearing for the petitioner submits that already the petitioner was enlarged on bail by the concerned lower Court, however, his non appearance before the lower Court is neither willful nor wanton, due to his ill health, he was unable to appear before the lower Court. Hence, Non Bailable Warrant was issued against the petitioner. He further submits that the petitioner is ready to co-operate with the proceedings and he is ready appear before the trial on each and every hearing.

4.The learned Government Advocate (Crl.Side) submitted that now the trial is almost completed. Hence, he vehemently opposed for grant of bail to the petitioner.

5.Considering the nature of the case as also the fair submission made by the learned counsel for the petitioner and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on his executing 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 Special Court for Exclusive Trial of Cases under POCSO Act, Chennai and on further condition that:

(a)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the trial Court daily at 10.30 a.m., until further orders.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)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]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-
28/09/2021

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL COURT FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
W-24, ALL WOMEN POLICE STATION,
TEYNAMPET, CHENNAI 600018

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

+1 CC to M/S S.SHANMUGA VELAYUTHAM Advocate on payment of
necessary charges SR.No.10651

CRL OP.17951/2021

Date :28/09/2021

APN 29/09/2021