



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.19075 of 2021

Jothi Kumar

... Petitioner

Vs.

The State rep by its
The Inspector of Police,
AWPS Trichengodu Police Station,
Namakkal District.
(Crime No.9 of 2019)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.9 of 2019 on the file of the respondent police.

For Petitioner : Mr.B. Vasudevan

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

ORDER

The petitioner who was arrested on 04.09.2021 and remanded to judicial custody for the offences under Sections 366 of I.P.C and Section 5(i),5(i)(ii) of POCSO Act, 2012 on the file of the Sessions (Fast Track Mahila) Judge, Namakkal in Crime No.9 of 2019 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that 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 04.09.2021.

3. The learned counsel appearing for the petitioner submits that the petitioner is now ready to appear before the trial Court and to abide by any stringent conditions imposed by this Court. Hence he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submitted that there is no previous case pending as against the petitioner. 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 Sessions (Fast Track Mahila) Judge, Namakkal 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.

-sd/-

08/10/2021

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.



1 THE SESSIONS (FAST TRACK MAHILA) JUDGE,
NAMAKKAL.

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AWPS TRICHENGODU POLICE STATION,
NAMAKKAL DISTRICT.

CC to M/S.B.VASUDEVAN Advocate on payment of necessary charges

CRL OP.19075/2021

Date :08/10/2021

RW 11/10/2021