

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2021

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

Crl.O.P.No.21169 of 2020

Sakthivel

S/o.Arumugam

.. Petitioner

Vs.

The State Represented by
Inspector of Police,
AWPS East
Coimbatore
(In Saravanampatty P.S
Crime No.1846 of 2020)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Sections 439 (1) (b) of the Code of Criminal Procedure, to modify the condition imposed on the petitioner by the learned Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore by an order dated 14.12.2020 made in C.M.P No.637 of 2020 that the accused should produce the nativity certificate and permanent residential proof with two sureties for a sum of Rs.25,000/- (Rs. Twenty Five Thousand only) each and one of them should be a blood relative and the sureties should produce a solvency certificate for the surety without fail.

For Petitioner : Mr.M.Vinoth

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for modification of the condition imposed by the Court below.

2. The petitioner has been implicated in this case for the punishable offence under Sections 376 AB of IPC and Section 5(i), 5(m), 5(n), 5(1) and 6, of POCSO Act, 2012 in Crime No.1846 of 2020 and he was arrested and remanded to judicial custody 17.08.2020 and therefore, he filed a petition for bail before the Court below. The Court below granted bail to the petitioner by an order dated 14.12.2020 with condition that the petitioner should produce should produce the nativity certificate and permanent residential proof with two sureties for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each and one of them should be a blood relative and the sureties should produce a solvency certificate for the surety without fail. To modify the aforesaid condition, the present petition has been filed.

3. The learned counsel for the petitioner submitted that the Court below while granting bail to the petitioner under Section 167 (ii) of Cr.P.C imposed the said condition and the petitioner is not in a position to comply with the surety condition and hence, the surety amount has to be reduced.

4. Heard the learned Additional Public Prosecutor appearing for the respondent.

5. Considering the facts and circumstances of the case, this Court is inclined to modify the condition imposed by the Court below and the petitioner is directed to produce the nativity certificate and permanent residential proof with two sureties for a sum of Rs.10,000/- instead of Rs.25,000/- ordered by the Court below. The other condition imposed by the Court below shall stand unaltered.

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

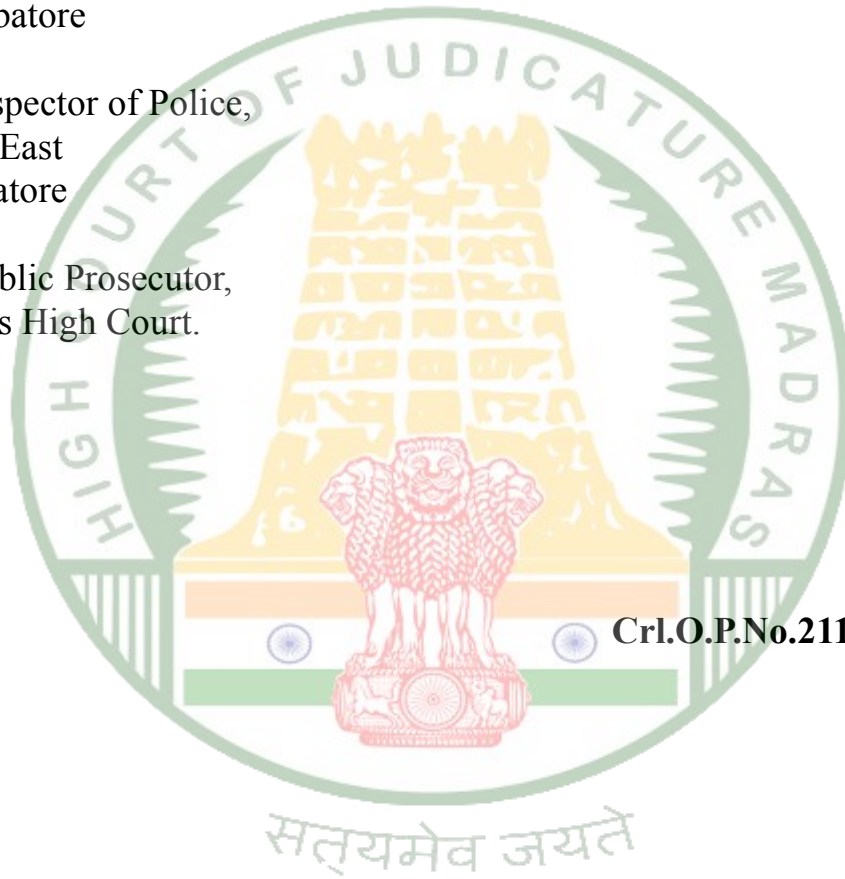
19.01.2021

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V.BHARATHIDASAN,J
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To

1. The Special Court for Exclusive Trial of Cases under POCSO Act
Coimbatore
2. The Inspector of Police,
AWPS East
Coimbatore
3. The Public Prosecutor,
Madras High Court.



Crl.O.P.No.21169 of 2020

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