



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.24541 of 2021

K.Babu

... Petitioner

Vs.

The State Rep by its,
The Inspector of Police,
W-8, Thirumangalam AWPS,
Chennai-600 040.
(Crime No.16 of 2018)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner/accused on bail in Crime No.16 of 2018 on the file of the respondent police station and also pending/Trial in S.C.No.336 of 2018 on the file of the Hon'ble Court of Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai.

For petitioner : Mr.R.Dayalan

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 29.10.2021 for the alleged offences under Section 8 of POCSO Act in Crime No.16 of 2018, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested on 29.10.2021 pursuant to the Non Bailable Warrant issued against him.

3. The learned Counsel for the petitioner submitted that it is the case of the year 2018 and he was regularly appearing before the Court. Thereafter, the petitioner due to health issues, he was unable to appear before the Court and thereby, the learned Judge ordered Non Bailable Warrant against the petitioner following which, the petitioner was arrested on 29.10.2021 and that he has been suffering incarceration for more than 45 days from 29.10.2021. He further



submitted that the petitioner is prepared to appear regularly before the trial Court and to co-operate for the trial. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate raised objection stating that the petitioner was absconding for more than 1½ years and he has been arrested only on 11.01.2019 with great difficulties and if the petitioner is released on bail, there is every possibility of the petitioner getting abscond and the trial would get stalled.

5. It is seen that the case is of the year 2018. Trial also began. Considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

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 Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai and on further conditions 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 appear before the respondent police on first Saturday at 10.30 a.m. until further orders and the petitioner is also directed to appear before the trial Court on all hearings without fail. Further, the petitioner shall not have any communication with the victim girl till the disposal of the case.

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

(d) the petitioner shall not abscond during 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/-
15/12/2021

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 SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, CHENNAI.

2 THE INSPECTOR OF POLICE,
W-8, THIRUMANGALAM ALL WOMEN POLICE STATION,
CHENNAI 600040

3 THE OFFICER INCHARGE,
SUB-JAIL, SAIDAPET, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.DAYALAN Advocate on payment of necessary charges
SR.NO.14835

CRL OP.24541/2021

Date :15/12/2021

JPA 16/12/2021