



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 08.02.2021

CORAM

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)No.1355 of 2021

Argith Sarthar,
S/o. Ethi Potho, Thokkin Muthu, Pavarai
District, Kolkata Now Residing at Kulathankarai,
Shenbaga Raman Puthur, Aralvaimozhi,
Kanyakumari District.

... Petitioner/Accused

Vs.

The State of Tamil Nadu
Rep by its Inspector of Police,
Nagercoil All Women Police Station,
Nagercoil,
Kanyakumari District.

... Respondent/Complainant

PRAYER :- Criminal Original Petition filed under Section 439(i)(b) r/w 482 Cr.P.C., to modify the conditions imposed by the Special Court for Exclusive Trial of Cases under POCSO Act, Kanniyakumari in Crl.M.P.No.437 of 2020 dated 04.11.2020.

For Petitioner : Mr.M.Suresh

For Respondent : Mr.M.V.Chandrasekaran,
Government Advocate (Crl.Side)

ORDER

This criminal original petition has been filed to modify the conditions imposed by the Special Court for Exclusive Trial of Cases under POCSO Act, Kanniyakumari in Crl.M.P.No.437 of 2020 dated 04.11.2020.

2.The learned counsel appearing for the petitioner would submit that the petitioner was granted statutory bail by the Special Court for Exclusive Trial of Cases under POCSO Act, Kanniyakumari in Crl.M.P.No.437 of 2020 dated 04.11.2020 with a condition that the petitioner has to execute a bond for a sum of Rs.10,000/- on his own and two sureties for likesum each to the satisfaction of the Court below and the sureties should be in blood relation and the sureties should produce their Adhar Card and the solvency certificate, which are countersigned by Tahsildar of the respective Revenue Village.

3.The petitioner's counsel would further submit that the petitioner hails from the State of West Bengal and he has got no blood relatives in the State of Tamil Nadu. Despite the petitioner was granted bail on 04.11.2020, he is unable to comply with the



conditions imposed by the Court below and he is still in confinement. He would also submit that the condition imposed by the Court below is onerous one. Hence, he prayed for modification of the conditions imposed by the Court below.

4.Now, it is stated by the petitioner's counsel that the employer of the petitioner is willing to give surety as well as the petitioner's wife also willing to give surety, however, she does not hold any property.

5.Considering the above facts, this Court modifies the conditions to the extent that the petitioner shall execute a bond for a sum of Rs.10,000/- with two sureties, one his employer and another one is his wife to the satisfaction of the Special Court for Exclusive Trial of Cases under POCSO Act, Kanniyakumari. The petitioner's wife shall file an affidavit before the Court below, undertaking that she would make her husband available for investigation and trial of the case. Accordingly, this criminal original petition is ordered.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

GNS

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Special Court for Exclusive Trial of Cases under POCSO Act, Kanniyakumari.
- 2.The Inspector of Police, Nagercoil All Women Police Station, Nagercoil, Kanyakumari District.
- 3.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.G.RAJAGURU, Advocate (SR-3847[F] dated 08/02/2021)

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(AC) CO

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