



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 09/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1875 of 2021

M.Muniyasamy

... Petitioner/Accused

Vs

The State rep.by
The Inspector of Police,
Sivakasi Town Police Station,
Sivakasi,
Virudhunagar District.
Crime No.733 of 2018.

... Respondent/Complainant

For Petitioner : Mr.S.Selvakumar,
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail Crime No.733 of 2018 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/accused herein was arrested and remanded to judicial custody on 21.12.2020 for the alleged offence under Sections 366 of IPC and Section 5(1) r/w.Section 6 of POCSO Act.

2. Earlier the petitioner was arrested and released on bail. Thereafter the petitioner did not appear before the trial Court, hence Non Bailable Warrant was issued on 11.12.2020. The petitioner was arrested on execution of Non Bailable Warrant on 21.12.2020.

3.The learned counsel for the petitioner would submit that the petitioner is regularly appearing before the trial Court on all hearing dates he was unable to appear before the trial Court, due to which Non Bailable Warrant came to be issued and the petitioner was remanded to custody pursuant to the execution of Non Bailable Warrant on 11.12.2020.



4.The learned Government Advocate (Crl.Side) appearing for the State would submit that this the second Non Bailable Warrant and the First Non Bailable Warrant was issued on 12.10.2020 and the same was recalled on 07.11.2020. The petitioner was secured with much difficulty and he is released on bail there will not be any progress in the trial, hence he opposed to grant bail to the petitioner.

5.Taking into consideration all the allegations made against the petitioner and also the fact that the petitioner was arrested on execution of Non bailable Warrant and also taking into consideration the period of incarceration, this Court inclined to grant bail to the petitioner by imposing 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 Special Judge for exclusive trial of cases under the POCSO Act, Virudhunagar at Srivilliputhur.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

ii) the petitioner shall report before the learned Special Judge for exclusive trial of cases under the POCSO Act, Virudhunagar at Srivilliputhur on every Monday at 10.30 a.m., until further orders and on all hearing dates with out fail.

iii)the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v)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].

vi) If the petitioner/ accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
09/02/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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.

WEB COPY

TO

- 1.THE SPECIAL JUDGE FOR EXCLUSIVE TRIAL OF CASES
UNDER THE POCSO ACT,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
- 2.THE INSPECTOR OF POLICE,
SIVAKASI TOWN POLICE STATION,
SIVAKASI,
VIRUDHUNAGAR DISTRICT.
- 3.THE OFFICER INCHARGE,
DISTRICT PRISON, DINDIGUL.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1875 of 2021
Date :09/02/2021

AAV
TK/VR/SAR.1/09.02.2021/3P/5C