



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/08/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.10622 of 2021

Muthupandi.M

... Petitioner/Accused

Vs

State rep by
The Inspector of Police,
Annanagar Police Station,
Madurai.
Crime No. 1431 Of 2015
Respondent/Complainant

...

For Petitioner : M/s.Satish Rajkumar E,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-For bail in Crime No. 1431 of 2015 on the file of the Respondent police.

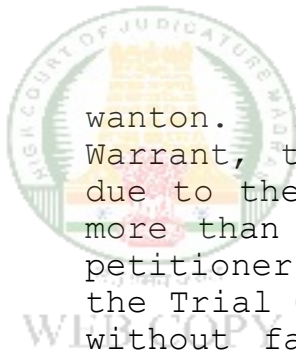
ORDER : The Court made the following order :-

The petitioner is facing a charge of the offences under Sections 366A of IPC r/w. 5(1) and 6 of Protection of Children from Sexual Offences Act 2012, before the Special Court for Trial of cases under POCSO Act, Madurai.

2. The occurrence in this case had taken place in the year 2015. Final report was filed in the year 2017 and it was taken on file in Spl.S.C.No.79 of 2017 and charges have been framed against the petitioner on 19.07.2019. When the case was posted on 20.03.2020, the petitioner did not appear before the trial Court. Therefore, a Non-Bailable Warrant was issued against the petitioner on 20.03.2020 for his absence. Thereafter, he was arrested on 05.07.2021. Hence, the petitioner seeks bail.

3. The learned counsel for the petitioner submits that since the petitioner was suffering from viral fever, he could not appear before the Court and hence, his absence is neither willful nor

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wanton. It is further submitted that after issuing Non-Bailable Warrant, the petitioner did not surrender before the trial Court, due to the pandemic situation. Now, the petitioner is in jail for more than 30 days. The learned counsel further submits that the petitioner is prepared to file an affidavit of undertaking before the Trial Court that he will appear before the trial Court in future without fail and he will also furnish additional surety for his appearance before the trial Court. Apart from that, the petitioner is also ready to pay a sum of Rs.5,000/- to the Chief Minister's Relief Fund.

5. Considering the submission made by the learned counsel for the petitioner that the petitioner is prepared to file an affidavit of undertaking before the Trial Court that he will appear before the trial Court in future without fail and he will also furnish additional surety for his appearance before the trial Court, 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 the learned Sessions Judge, Special Court for trial of Cases under POCSO Act, Madurai 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 deposit a sum of Rs.5,000/- (Rupees five thousand only) as non refundable amount to the account of Tamil Nadu Chief Minister's Relief Fund. The petitioner shall execute the sureties on showing the receipt of the said amount.

[c] the petitioner shall report before the trial Court on all hearing dates without fail.

[d] the petitioner shall file an affidavit of undertaking before the Trial Court that he will appear before the trial Court in future without fail and he will also furnish additional surety for his appearance before the trial Court.

[e] the petitioner shall not abscond either during trial.

[f] the petitioner shall not tamper with evidence or witness either during trial.

[g] 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]**.

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

04/08/2021

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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.

TO

- 1.THE SESSIONS JUDGE,
SPECIAL COURT FOR TRIAL CASES UNDER POCSO ACT,
MADURAI.
- 2.THE SUPERINTENDENT,
CENTRAL JAIL, MADURAI.
- 3.THE INSPECTOR OF POLICE
ANNA NAGAR POLICE STATION, MADURAI.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO
THE OFFICER INCHARGE,
TAMIL NADU CHIEF MINISTER RELIEF FUND,
SECRETARIAT, CHENNAI.

ORDER
IN
CRL OP(MD) No.10622 of 2021
Date :04/08/2021

OGY
RT/JM/SAR-III/04.08.2021/3P/6C