



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/12/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.20601 of 2021

Puliyurchithan @ Prakash

... Petitioner/Accused

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Rajapalayam,
Virudhunagar District.
(Crime No.07/2021)

... Respondent/Complainant

For Petitioner : Mr.N.Balasubramanian,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.07 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who were arrested on 30.09.2021 for the alleged offence under Sections 366, 376(3), 294(b), 323, 506 (I) of IPC and Section 5(1), 5(ii) (ii) r/w 6 of POCSO Act 2012 and Section 9 of Child Marriage Restraint Act 2006, in Crime No.7 of 2021 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that initially, the petitioner was arrested and remanded to judicial custody. Subsequently, the petitioner was enlarged on bail and thereafter, he did not appear before the lower Court regularly on 23.09.2021. Hence, the lower Court has issued Non-Bailable Warrant against the petitioner and he was arrested and remanded to the judicial custody on 30.09.2021.



3.The learned counsel appearing for the petitioner would submit that due to ill-health, the petitioner was not able to appear before the lower Court. He would further submit that the non-appearance before the lower Court by the petitioner is neither wilful nor wanton. However, he would also submit that the petitioner is ready to abide any condition as imposed by this Court and seeks for grant of bail to the petitioner and he is also ready to file an undertaking affidavit before the trial Court stating that he will regularly appear before the concerned Court in all hearing dates without fail and co-operate with the trial Court to complete the trial process.

4.The learned Additional Public Prosecutor would submit that the petitioner herein is the accused in S.C.No.29 of 2021. Due to non-appearance of the petitioner before the lower Court, the trial judge has issued Non-Bailable Warrant against the petitioner and the petitioner was secured on 30.09.2021 and if the bail is granted to the petitioner, it is very difficult to secure him. Hence, he vehemently objected for grant of bail to the petitioner.

5.Considering facts and circumstances of this case, the period of incarceration and the undertaking given by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal 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 Court for Trial of Cases under POCSO Act, Srivilliputhur, Virudhunagar District, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

7.The petitioner is directed to file an undertaking affidavit before the trial Court stating that he will regularly appear before the concerned Court in all hearing dates without fail and co-operate with the trial Court to complete the trial process.

sd/-
22/12/2021

/ TRUE COPY /

22/12/2021
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.



TO

1 THE SPECIAL COURT FOR TRIAL OF CASES
UNDER POCSO ACT, SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.

3 THE SUPERINTENDENT,
DISTRICT PRISON, VIRUDHUNAGAR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.N.BALASUBRAMANIAN, Advocate(SR-9626[I] dated 22/12/2021)

ORDER

IN

CRL OP(MD) No.20601 of 2021

Date :22/12/2021

TTA

MK/VR/SAR.III/22.12.2021/3P/6C