



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P. No.4224 of 2022

Senthil @ Ravukalam

...Petitioner / A-1

versus

The State of Tamilnadu,
Through the Station Housing Officer,
Valavanur Police Station,
Villupuram District.
(Crime No.577 of 2020)

... Respondent /Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioner on bail, pending trial in Spl.S.C.No.83 of 2020 on the file of Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram in Crime No.577 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Devaraj

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.06.2021, pursuant to the NBW issued by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram in Spl.S.C.No.83 of 2020, for the offences punishable under Sections 323, 366 of IPC and Section 6 of POCSO Act, 2012 in Crime No.577 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is an accused in Spl.S.C.No.83 of 2020 on the file of Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram. When the case was posted for trial, due to Covid-19, the petitioner was unable to appear before the Court for the hearing on 15.04.2021, ultimately, NBW has been issued against the petitioner and afterwards, he was secured on 25.06.2021 and thereafter, he is still in judicial custody.



3. The learned counsel appearing for the petitioner would submit that only due to Covid-19 pandemic, the petitioner was unable to appear before the trial Court. He would further submit that as of now, the evidence given by the victim child and another one witness, were recorded by the trial Court and therefore, the question of tampering the witness does not arise. Further, the petitioner is ready to abide any condition imposed by this Court and he is in judicial custody from 25.06.2021 onwards. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that, if this petitioner is released on bail, he may try to tamper the witness and hamper the investigation.

5. Considered the submissions made by the learned counsel appearing on either side. Admittedly, the petitioner is an accused in Spl.S.C.No.83 of 2020 on the file of Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram and as of now, 2 witnesses including the victim child were examined and the case is posted for examination of the remaining prosecution witnesses. Except the petition mentioned one instance, the learned Additional Public Prosecutor appearing for the respondent police did not say that the other instances wherein the petitioner is not cooperated for the trial.

6. Therefore, taking note of all the above said aspects particularly for the reason that the evidence given by the victim child was recorded and also considering the fact that the petitioner is in incarceration from 25.06.2021, this Court is inclined to grant bail to the petitioner subject to certain conditions. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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, Villupuram;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner is directed to appear before the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram, daily at 10.30 a.m. until further orders;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;



(e) on breach of any of the aforesaid conditions, the learned Judicial 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];

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

21/02/2022

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, VILLUPURAM.

2 THE STATION HOUSING OFFICER,
VALAVANUR POLICE STATION,
VILLUPURAM DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

+1CC to M/S. M.DEVARAJ Advocate on payment of necessary charges
SR.No.2648

CRL OP.4224/2022

Date :21/02/2022

CSK 22/02/2022