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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2022

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CRL.O.P.NO.5791 OF 2022

Charles

... Petitioner

.Vs.

The State Represented by,  
The Inspector of Police,  
All Women Police Station,  
Attur, Salem District.  
(Crime No.1 of 2020)

... Respondent

PRAYER:-

Criminal Original petitioner is filed under Section 439(1) (b) of Cr.P.C to modify the condition that the petitioner shall execute a bond for Rs.50,000/- with two sureties for like sum each and one among the surety shall be close blood relative of the petitioner shall file an authenticated certificate from the Village Administrative Officer to the petitioner shall executing a bond for Rs.50,000/- with two normal sureties order passed in Crl.M.P.No. 332 of 2021 dated 16.06.2021 on the file of Special Court for Exclusive Trial of case under POCSO Act, Salem.

For Petitioner : Mr.P.Anbalagan

For Respondent : Mr.S.Santhosh  
Government Advocate  
(Criminal Side)

ORDER

This Criminal Original Petition has been filed to modify the condition imposed by the Special Court for Exclusive Trial of Case under POCSO Act, Salem, in Crl.M.P.No.332 of 2021 dated 16.06.2021.



2. The learned counsel for the petitioner submitted that the petitioner is not an accused and the lower Court, while granting bail to the petitioner, the trial Court imposed a condition that the petitioner shall execute a bond for Rs.50,000/- with two sureties for like sum each and one among the surety shall be a close blood relative of the petitioner and to prove the blood relationship of the surety, the petitioner shall file an authenticated certificate from the Village Administrative Officer. However, the petitioner submits that instead of blood relative any person of means shall be permitted to stand as surety. He further submits that he has no blood relative one to stand as surety for him. Hence, the modification petition has been filed by the petitioner.

3. Per contra, the learned Government Advocate (Criminal Side) would submit that the petitioner has committed very serious offence and hence the learned Magistrate has rightly imposed the above said condition.

4. Taking into consideration, the facts and circumstances of the case and also the offence being under POCSO Act, the trial Court has rightly considered that one of the surety must be blood relative surety and this Court finds no reason to modify the order since the offence is very grave and unless the blood surety has furnished, it is difficult to secure the petitioner if so absconding. Hence, this Criminal Original Petition is dismissed.

Sd/-  
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

dsn/drl

To

1. The Special Court for Exclusive  
Trial of Case under POCSO Act,  
Salem.
2. The Inspector of Police,  
All Women Police Station,  
Attur, Salem District.



3. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.P.Anbalagan, Advocate, S.R.No.17518

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PMK (CO)  
PBS/29/03/2022