



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Ninth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL MISCELLANEOUS PETITION No.4106 of 2022

IN CRL OP.4111/2022

D.SAMINATHAN

[PETITIONER]

Vs

THE INSPECTOR OF POLICE,
ATTUR POLICE STATION,
SALEM DISTRICT.
(CRIME NO. 961/2014)

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to modify the condition imposed in "para No. 6(a) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, [one surety must be Government employee working in Tamilnadu Government and drawing minimum salary of Rs.40,000/-], each for a like sum to the satisfaction of the learned Special Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Salem" in Crl.O.P.No. 4111 of 2022 order dated 25.02.2022.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S. W.CAMYLES GANDHI, Advocate for the petitioner and of M/S.LEONARD ARUL JOSEPH SELVAM, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

This petition has been filed to modify the condition imposed in Para No.6(a) "the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, (one surety must be Government employee working in Tamilnadu Government and drawing minimum salary of Rs.40,000/-) each for a like sum to the satisfaction of the learned Special Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Salem" in Crl.O.P.No.4111 of 2022 dated 25.02.2022.



2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent Police.

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3. The learned counsel for the petitioner would submit that the petitioner being a coolie is not in a position to arrange the surety, who is working in Tamilnadu Government and drawing minimum salary of Rs.40,000/-. Accordingly, he prayed to modify the said condition.

4. Now, on considering the said submission with relevant records, this Court only after considering the year of the case and also considering the nature of offence committed by the petitioner, directed him to execute the bail bond for a sum of Rs.25,000/- with two sureties each for a like sum, wherein one surety must be a Government Servant. In fact, the said order has been passed on 25.02.2022 and thereafter the petitioner is not in a position to execute the bail. Further, the petitioner is in judicial custody from 29.11.2019 onwards.

4. Therefore, considering the above said request, this Court is inclined to modify the condition No.6(a).

5. Accordingly, the order dated 25.02.2022 made in Crl.O.P.No.4111 of 2022 is modified to the effect that "the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, (one surety must be Government employee working in Tamilnadu Government and drawing minimum salary of Rs.25,000/-) each for a like sum to the satisfaction of the learned Special Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Salem". All other conditions remain unaltered.

-sd/-

29/03/2022

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 SPECIAL SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, SALEM.



2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ATTUR POLICE STATION,
SALEM DISTRICT.

+1 C.C. to M/S. W.CAMYLES GANDHI Advocate on payment of
necessary charges SR.NO. 4659

Order

in
CRL MP.4106/2022

in
CRL OP.4111/2022

Date :29/03/2022

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RW 05/04/2022