



Crl.OP.No.20242 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.OP.No.20242 of 2022

Gopal

...Petitioner

Vs.

State Rep. by:
The Inspector of Police,
All Women Police Station,
Udumalpet, Tiruppur District.

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail concerned in Spl.S.C.No.15 of 2020 pending trial before the learned Sessions Judge, Magalir Neethimandram, (FTMC), Tiruppur.

For Petitioner :Mr.M.N.Balakrishnan

For Respondent :Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

The petitioner was arrested on 28.02.2022, on execution of Non-Bailable Warrant issued by the learned Sessions Judge, Magalir Neethimandram(FTMC), Tiruppur for the offence under Sections 5(l) , 5(n) read with Section 6 of POCSO Act, 2012 pending trial in Spl.S.C.No.15 of 2020, seeks bail.

2. It is the case of the prosecution is that the petitioner has already been enlarged on bail for the alleged offence under Sections **5(l), 5(n) read with section 6 of POCSO Act, 2012** and after filing charge sheet, the same was pending before the learned Sessions Judge, Magalir Neethimandram(FTMC), Tiruppur. Thereafter, the petitioner failed to appear before the lower Court on 23.02.2022. Hence, the lower Court has issued Non-Bailable Warrant against the petitioner on the 28.02.2022. Thereafter, the petitioner was arrested on 28.02.2022.

3.The learned counsel appearing for the petitioner would



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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.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the lower Court has issued Non-Bailable Warrant against the petitioner on 28.02.2022 and he was arrested on the same day. He would further submit that the case is pending for trial from the year 2020. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail



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on his executing a bond for a sum of **Rs.10,000/- (Rupees ten thousand only)** with **two blood sureties**, each for a like sum to the satisfaction of the **learned Magalir Neethimandram (FTMC), Tiruppur** 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 report before the learned Magalir Neethimandram (FTMC), Tiruppur twice daily at 10.30 a.m. and 5.30 p.m., for a period of six weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[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



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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.

25.08.2022

Sma

To

1. Magalir Neethimandram (FTMC),
Tiruppur.
2. The Inspector of Police,
All Women Police Station,
Udumalpet, Tiruppur District.
3. Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras

G.K.ILANTHIRAIYAN,J.



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