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CrI.OP.No.20486 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2022

CORAM

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

CrI.OP.No.20486 of 2022

Murugan

...Petitioner

Vs.

State Rep. by:
The Inspector of Police,
AWPS-Sankari Police Station,
Salem District.
(Crime No.01 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Spl.S.C.No.127 of 2022 on the file of Special Court for Exclusive Trial of Cases under POCSO Act, Salem.

For Petitioner :Mr.T.Muruganathan

For Respondent :Mr.A.Damodaran
Additional Public Prosecutor



CrI.OP.No.20486 of 2022

ORDER

The petitioner was arrested on 07.07.2022, on execution of Non-Bailable Warrant issued by the learned Special Court for Exclusive Trial of Cases under POCSO Act, Salem for the offence under Sections **366 IPC and Section 9 of Prohibition of Child Marriage Act and 5(l), 5(j)(ii) read with Section 6 POCSO Act** pending trial in Spl. S.C.No.127 of 2022 in respect of crime No.01 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution is that the petitioner has been arrayed as an accused in Crime No.01 of 2022 under Sections **366 IPC and Section 9 of Prohibition of Child Marriage Act and 5(l), 5(j)(ii) read with Section 6 of POCSO Act** and after filing charge sheet, the same was pending before the learned Special Court for Exclusive Trial of Cases under POCSO Act, Salem. Thereafter, the petitioner did not appear before the lower Court on 29.06.2022. Hence, the lower Court has issued Non-Bailable Warrant against the petitioner on the same day. Thereafter, the petitioner was arrested on 07.07.2022.



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CrI.OP.No.20486 of 2022

3.The learned counsel appearing for the petitioner would 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 29.06.2022. Thereafter, the petitioner was arrested on 07.07.2022. Hence, he vehemently opposed to grant bail to the petitioner.

5. The petitioner was arrested and released on bail in crime No.01 of 2022. After completion of investigation, the respondent filed final report and the same has been taken cognizance in Spl.S.C.No.127 of 2022 pending on the file of the learned Special Court for Exclusive Trial of Cases under POCSO Act, Salem. However, the petitioner was absent before the trial court. As such, Non Bailable Warrant was issued against



CrI.OP.No.20486 of 2022

him and the same was executed and he was remanded to judicial custody on 07.07.2022.

6.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.

7. Accordingly, the petitioner is ordered to be released on bail 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 Special Court for Exclusive Trial of Cases under POCSO Act, Salem** 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 Special Court for Exclusive Trial of Cases under POCSO Act, Salem twice daily at 10.30 a.m. and 5.30 p.m., for a period of four weeks and



CrI.OP.No.20486 of 2022

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 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.

29.08.2022

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Crl.OP.No.20486 of 2022

G.K.ILANTHIRAIYAN,J.

Sma

To

1. Special Court for Exclusive Trial of Cases
under POCSO Act, Salem
2. The Inspector of Police,
AWPS -Sankari Police Station,
Salem District.
3. Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras

Crl.O.P.No.20486 of 2022

29.08.2022