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Crl.O.P.No.21612 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.21612 of 2022

Manikandan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Attur Rural Police Station,
Salem District.
Crime No.411 of 2018

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Spl.S.C.No.84 of 2020 on the file
of the Sessions Judge, Principal Special Court for Exclusive Trial of Cases
under POCSO Act, Salem.

For Petitioner : Mr.D.Arun for
Ms.S.Vinodha
For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.08.2022 for the offences punishable under Sections 363, 366 & 366(A) of IPC and Section 5(1) and 6 of POCSO Act, 2012, in Crime No.411 of 2018 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the grand daughter of the defacto complainant was kidnapped by the petitioner on 13.08.2013. Hence, the complaint. He would also submit that the petitioner was surrendered pursuant to a non bailable warrant issued due to the absence of the petitioner for hearing on 25.08.2021. Hence, the present application for grant of bail is filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner has been arrested pursuant to the non bailable warrant issued on 14.07.2022 and he has been remanded to judicial custody on 01.08.2022. He would also submit that the case has been taken up for trial in Spl.S.C.No.84 of 2020 on the file of the learned Sessions Judge, Principal



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Special Court for Exclusive Trial of Cases under POCSO Act, Salem and the petitioner has been regularly appearing before the trial Court. However, due to his illness, the petitioner did not appear before the trial Court on 25.08.2021. Thereafter, since, there was no regular Judge, the trial Court has issued non bailable warrant on 14.07.2022. While the petitioner voluntarily surrendered before the Court on 11.08.2022 and filed an application for recalling the warrant. However, the learned Judge had dismissed the same and directed remanding of the petitioner. He would also submit that the petitioner undertakes to abide by any stringent conditions that may be imposed on the petitioner and to cooperate for the speedy disposal of the trial. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that since, the petitioner did not appear before the trial Court, a non bailable warrant was issued and the petitioner surrendered on 11.08.2022. Therefore, he vehemently opposed to grant bail to the petitioner.



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5. Heard both the learned counsel and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel, 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.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, out of which, one surety should be a blood related surety, each for a like sum to the satisfaction of the **learned Sessions Judge, 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;



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[b] the petitioner report before the respondent police on all working days at 10.30 a.m., without fail, until further orders;

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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A.D.JAGADISH CHANDIRA., J.

rgi

To

1. The Sessions Judge,
Special Court for Exclusive Trial of Cases under POCSO Act,
Salem.
2. The Inspector of Police,
Attur Rural Police Station,
Salem District.
3. The Superintendent,
Central Jail,
Salem.
4. The Public Prosecutor,
High Court of Madras.

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