



Crl.OP.No.20534 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2022

CORAM

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

Crl.OP.No.20534 of 2022

M.Prabhakaran

...Petitioner

Vs.

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

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail concerned in Spl.S.C.No.49 of
2018 pending trial before the learned Sessions Judge, Magalir
Neethimandram (FTMC), Tiruppur.

For Petitioner :Mr.M.N.Balakrishnam

For Respondent :Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

The petitioner was arrested on 08.04.2022, on execution of Non-Bailable Warrant issued by the learned Sessions Judge, Magalir Neethimandram (FTMC), Tiruppur for the offence under Sections **363 of IPC and Section 5(l) read with Section 6 of POCSO Act, 2012 and Section 9 of the Prohibition of the Child Marriage Act** pending trial in Spl. S.C.No.49 of 2018, seeks bail.

2. It is the case of the prosecution is that the petitioner was granted bail in the year 2017 for the offence under Sections **363 of IPC and Section 5(l) read with Section 6 of POCSO Act, 2012 and Section 9 of the Prohibition of the Child Marriage Act** and after filing charge sheet, the same was pending before the learned Sessions Judge, Magalir Neethimandram (FTMC), Tiruppur. Thereafter, the petitioner did not appear before the lower Court regularly. Hence, the lower Court has issued Non-Bailable Warrant against the petitioner on 08.04.2022. Thereafter, the petitioner was arrested on same day.

3.The learned counsel appearing for the petitioner would submit



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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 and he was arrested on 08.04.2022. 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 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



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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 Magalirneethimandram (FTMC), Tiruppur twice daily at 10.30 a.m. and 5.30 p.m., for a period of four 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 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]**.



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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To

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



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G.K.ILANTHIRAIYAN,J.

Sma

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