



Crl.OP.No.22221 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.22221 of 2022

J.Nandha Kumar

... Petitioner

Vs.

The State Rep by its
The Inspector of Police,
AWPS Guindy Police Station,
Guindy, Chennai-600 032.
(Crime No.5 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C praying to set aside and modify the conditions for surety as 2 normal sureties instead of the Government Surety in the dismissal order dated 04.08.2022 in Crl.MP.No.1011 of 2022 in Crl.MP.No.916 of 2022 by the Hon'ble Sessions Judge of Special Court for Exclusive Trial of cases under POCSO Act, Chengalpattu.

For Petitioner : Mr.A.Ramesh Manikandan

For Respondent : Mr.R.Vinoth Raja



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ORDER

This petition has been filed seeking to set aside and modify the conditions imposed in the dismissal order dated 04.08.2022 in CrI.MP.No.1011 of 2022 in CrI.MP.No.916 of 2022 by the Hon'ble Sessions Judge of Special Court for Exclusive Trial of cases under POCSO Act, Chengalpattu that the petitioner should execute a bond for a sum of Rs.10,000/- with two sureties each and one surety must be a blood relative with valid document and another surety must be a government servant for a like sum to the satisfaction of the Court.

2. The learned counsel for the petitioner would submit that the petitioner is an accused in Cr.No.5 of 2022 registered by the respondent for the offences punishable under Section 376(3), 376(2)(n), 506(i) of IPC and 5(1)(N), 5(j)(ii) r/w 6 of POCSO Act, 2012. He would further submit that the petitioner was arrested and remanded to judicial custody on 02.04.2022. Since the respondent had not filed the final report, the petitioner has applied for statutory bail under Section 167(2) of Cr.P.C. The learned Sessions Judge of Special Court for Exclusive Trial of



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Cases under POCSO Act, Chengalpattu by an order dated 13.07.2022 in CrI.MP.916 of 2022 had granted bail to the petitioner with condition that the petitioner should execute a bond for a sum of Rs.10,000/- with two sureties each, out of which, one surety must be a blood relative with valid document and another surety must be a Government Servant for a like sum to the satisfaction of the Court. He would further submit that since the petitioner has been charged for grave offences, no Government surety is coming to his rescue. Thereby, despite the order being granted on 13.07.2022, the petitioner is unable to come out on bail. He would further submit that the petitioner had filed another application for modification of conditions in CrI.MP.No.1011 of 2022 and the learned Judge by an order dated 04.08.2022 had dismissed the same. He would further submit that the petitioner, instead of Government surety, is prepared to furnish two blood sureties. He also ready to abide by any stringent conditions.

3. Heard the learned counsel on both sides and perused the available materials on records.



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4. Taking into consideration the facts and submissions, this Criminal Original Petition stands allowed and the impugned order in CrI.MP.No.1011 of 2022 in CrI.MP.No.916 of 2022 on the file of the Sessions Judge of Special Court for Exclusive Trial of cases under POCSO Act, Chengalpattu is hereby set aside by modifying one of the conditions imposed on the petitioner in CrI.MP.No.1011 of 2022 in CrI.MP.No.916 of 2022 to the effect that the petitioner shall execute two blood sureties instead of Government Sureties and all other conditions shall remain unaltered.

23.09.2022

Vv

Note : Issue Order Copy on 26.09.2022

To

1. The Sessions Judge of Special Court for Exclusive Trial of cases under POCSO Act, Chengalpattu.
2. The Inspector of Police,
AWPS Guindy Police Station,
Guindy, Chennai-600 032.
3. The PublicProsecutor,
High Court, Chennai.



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A.D.JAGADISH CHANDIRA, J.

Vv

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