



Crl.O.P.No.22020 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2022

CORAM

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

Crl.O.P.No.22020 of 2022

Jagathish

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
W-13, All Women Police Station,
Chennai.
Crime No.03 of 2018

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to direct enlargement of the petitioner on bail in S.C.No.413 of 2018
in Crime No.03 of 2018 on the file of the W-13 All Women Police Station,
Chennai, the respondent herein in the above case.

For Petitioner : Mr.S.Apunu

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



WEB COPY



CrI.O.P.No.22020 of 2022

ORDER

The petitioner, who was arrested on 31.03.2022 pursuant to the non bailable warrant dated 13.10.2021 in S.C.No.413 of 2018 in Crime No.03 of 2018 on the file of the respondent police for the offences punishable under Sections 323, 506(ii) of IPC and Section 8 of the POCSO Act, seeks bail.

2. The case of the prosecution is that the petitioner failed to appear before the Court on 13.10.2021 and thereby, the trial Court had issued a non bailable warrant of arrest as against the petitioner on the same day and the petitioner was arrested on 31.03.2022 and remanded to judicial custody. Hence, the present petition for grant of bail to the petitioner has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an accused in S.C.No.413 of 2018 pending trial on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Chennai. He would also submit that the petitioner due to his illness was unable to appear before the Court on 13.10.2021 and thereby, the trial Court has issued



Crl.O.P.No.22020 of 2022

a non bailable warrant of arrest as against the petitioner and the petitioner was arrested on 31.03.2022. He would further submit that the petitioner is in custody from 31.03.2022 and all the independent witnesses have been examined and the independent witnesses have not supported the case of the prosecution and the case now stands posted to 21.09.2022 for examination of Investigation Officer alone. He would reiterate that the petitioner undertakes to abide by any stringent conditions that may be imposed on him and also undertakes to cooperate for the speedy disposal of the case. Therefore, he prays for grant of bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent would submit that pursuant to the non bailable warrant of arrest issued as against the petitioner on 13.10.2021, the petitioner was arrested and remanded to judicial custody on 31.03.2022. He would also submit that due to the absence of the petitioner, the trial got delayed. Therefore, he vehemently opposed to grant bail to the petitioner.



Crl.O.P.No.22020 of 2022

WEB COPY

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

6. Taking into consideration the facts and circumstances of the case and 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**, each for a like sum to the satisfaction of the **learned Special Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai**, 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 **Special Judge, Special Court for Exclusive Trial of**



Crl.O.P.No.22020 of 2022

**Cases under POCSO Act, Chennai, 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.

20.09.2022

rgi



WEB COPY



Crl.O.P.No.22020 of 2022

To

1. The Special Judge,
Special Court for Exclusive Trial of Cases under POCSO Act,
Chennai.
2. The Inspector of Police,
W-13, All Women Police Station,
Chennai.
3. The Superintendent,
Central Prison-II,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.22020 of 2022

A.D.JAGADISH CHANDIRA., J.

rgi

Crl.O.P.No.22020 of 2022

20.09.2022