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Crl.O.P.No.21997 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2022

CORAM0

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

Crl.OP.No.21997 of 2022

Veeramanikandan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Sooramangalam Police Station,
Salem District.
Crime No.890 of 2015

... 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.35 of 2019 on the file
of the Principal Special Court for Exclusive Trial of Cases Under POCSO
Act, Salem in Crime No.890 of 2015 on the file of the respondent police.

For Petitioner : Ms.S.Valarmathi

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 05.08.2022 for the offences punishable under Sections 363 and 366 of IPC and Section 9 of Prohibition of Child Marriage Act, 2006 and Section 5(1) r/w 6 of POCSO Act, 2012, in Crime No.890 of 2015 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was arrested pursuant to a non bailable warrant issued due to the absence of the petitioner for hearing on 12.03.2019. Hence, the present application for grant of bail is filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an accused in Spl.S.C.No.35 of 2019 on the file of the Principal Special Court for Exclusive Trial of Cases Under POCSO Act, Salem. She would further submit that the petitioner, after released on bail, had been regularly appearing before the Court, however, since his father had affected by stroke, the petitioner was unable to appear before the Court on



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12.03.2019 and thereby, the learned trial Judge has issued a non bailable warrant of arrest against him. Subsequently, the petitioner had to take care of his father and thereafter, Covid-19 was set in and thereby, the petitioner was unable to surrender before the Court. However, after his father recovered, the petitioner has voluntarily surrendered before the Court on 05.08.2022 and he has been remanded to Judicial custody. She would also submit that the petitioner is prepared to abide by any stringent conditions that may be imposed on him and he is also prepared to cooperate for the speedy disposal of the case and he is also undertake to appear before the trial Court everyday at 10.30 a.m. Therefore, she prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner during the course of the trial, had absconded and he did not appear before the Court on 12.03.2019 and the trial Court has issued a non bailable warrant of arrest against him. Pursuant to that, the petitioner has voluntarily surrendered on 05.08.2022 and he has been remanded to Judicial custody. He would further submit that the case now stands posted to 17.10.2022 for examination of defence witnesses.



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However, he vehemently opposed to grant bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also the fact that the petitioner has voluntarily surrendered before the Court on 05.08.2022, 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 Principal 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 appear before the



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learned Principal Special Court for Exclusive Trial of Cases Under POCSO Act, Salem daily at 10.30 a.m., on all working days, 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.

15.09.2022

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A.D.JAGADISH CHANDIRA., J.

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To

1. The Principal Special Court
for Exclusive Trial of Cases Under POCSO Act,
Salem
2. The Inspector of Police,
Sooramangalam Police Station,
Salem District.
3. The Superintendent,
Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.

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