



Crl.O.P.No.22906 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

CORAM

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

Crl.O.P.No.22906 of 2022

Jayajameen

... Petitioner

Vs.

The State represented by,
The Station House Officer,
Thiruvennainallur Police Station,
Villupuram,
Crime No.237 of 2020

... 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.91 of 2020 on the file
of the learned Additional District Judge, Villupuram in Cr.No.237 of 2020
on the file of the respondent Police.

For Petitioner : Mr.T.Saravanan

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 24.11.2021 for the offences punishable under Sections 6 r/w 18, 9(m), 10 of POCSO Act and 4 of TNPHW Act 1998, in Crime No.237 of 2020 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner would submit that the petitioner is an accused in Spl.S.C.No.91 of 2020 pending on the file of the learned Additional District Judge, Villupuram. He would further submit that after grant of bail the petitioner regularly appeared before the Court and on 04.01.2021 the petitioner was unable to appear on account of sickness. Thereby, the learned trial Judge has issued Nonailable Warrant of arrest against the petitioner. Thereafter, due to Covid -19 pandemic, the petitioner was unable to surrender before the trial Court and recall the warrant. Meanwhile, the respondent Police have arrested the petitioner and remanded him to judicial custody on 24.11.2021. He would further submit that the petitioner is in custody for more than 10 months. He would submit the petitioner undertakes to abide by any stringent condition imposed by this



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Court and he is prepared to furnish any sufficient sureties. He would further submit that the case stands posted for cross examination of L.W.1 to L.W.3 on 30.09.2022 and the petitioner undertakes that he will cross examine the witnesses on the same day of their production before the Court.

3. The learned Government Advocate (crl.side) would submit that the petitioner did not appear before the Court on 04.01.2021 and after 10 months, he was arrested on 24.11.2021. He would further submit that earlier the petitioner has been absconding for 10 months and thereby he opposed for grant of bail to the petitioner.

4. Taking into consideration of the facts and circumstances of the case that the petitioner undertakes that he will cross examine the witnesses on the same day of their production before the Court, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five**



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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 Additional District Judge, Special Court for POCSO, Villupuram 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 learned Additional District Judge, Villupuram, on all working days at 10.30 a.m., for a period of two weeks and thereafter on the date fixed by the trial Court.

[c] the petitioner shall not tamper with evidence or witness during trial;

[d] the petitioner shall not abscond during 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



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Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala**
[(2005)AIR SCW 5560];

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

26.09.2022

vkr

To

- 1.The Additional District Judge (Special Court for POCSO),
Villupuram.
- 2.The Station House Officer,
Thiruvannainallur Police Station,
Villupuram.
3. The Central Prison,
Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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