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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.24959 of 2021

Sabari

... Petitioner

Versus

State Rep. by
The Inspector of Police,
All Women Police Station,
Ammamet,
Salem District.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 Cr.P.C. to direct the learned Sessions Judge, Special Court for exclusive trial of Cases under POCSO Act, Salem to number and dispose the Crl.M.P.Sr.No.1725 of 2021 on its file, within a time limit to be fixed by this Court.

For Petitioner : Ms.Rithika for
Mr.M.Vijaya Ragavan

For R1 : Mr.R.Vinothraja
Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition has been filed to direct the learned Sessions Judge, Special Court for exclusive trial of Cases under POCSO Act, Salem to number and dispose the Crl.M.P.Sr.No.1725 of 2021 on its file, within a time limit to be fixed by this Court.

2.The petitioner/accused in Crime No.6 of 2020 for offence under Sections 5(k) and 6 of the Protection of Child from Sexual Offences Act, 2012 was granted bail by the Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, Salem in Crl.M.P.No.167 of 2020 vide order dated 17.04.2020. The petitioner was released on interim bail on executing his own bond for a sum of Rs.50,000/- and directed to appear before the concerned Court on 04.05.2020 along with the sufficient sureties



to execute the bond. Thereafter, the petitioner was met with an accident and he had a fracture and he was taking treatment. After treatment, the petitioner had approached the lower Court on 26.11.2021, to execute sureties. The lower Court found that the bail order was granted on 17.04.2020, with a condition to appear on 04.05.2020, along with two sureties and he had failed to appear on 04.05.2020. Hence, the lower Court had rejected the petition as not maintainable. In view of the same, the petitioner is unable to execute sureties for the bail granted to him.

3.He further submitted that on 04.05.2020, there has been escalation of COVID Pandemic Situation and further the petitioner was making arrangement for sureties and he also sustained a fracture. Due to the above said reason, the petitioner was unable to execute the sureties. Now the petitioner is ready to execute sureties before the concerned Court.

4.The learned Government Advocate submits that in this case investigation completed, charge sheet filed and yet to be taken on file, since there is an anomaly status of the petitioner, with regard to the non execution of sureties in the bail petition.

5.Considering the submissions and on perusal of the materials, this Court finds that already charge sheet has been filed and yet to be taken on file and the petitioner is willing to execute sureties. In view of the same, the trial Court is directed to accept the sureties and entertain the bail bond of the petitioner, if the trial Court is satisfied and if it is otherwise in order. The petitioner is directed to approach the trial Court to execute the sureties, within a period of two weeks, from the date of receipt of a copy of this order or within a period of two weeks from the date of the commencement of normal functioning of the Court.

6.With the above observation, this Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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To

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1. The Inspector of Police,
All Women Police Station,
Ammamet,
Salem District.
2. The Public Prosecutor,
High Court, Madras.

+2ccs to Mr.R.Kalyanasundaram, Advocate, S.R.Nos.1440 & 1534

CRL.O.P.No.24959 of 2021

GPL (CO)
SU (27/01/2022)