



Crl.O.P.No.25203 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2022

CORAM

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

Crl.O.P.No.25203 of 2022

R.Senthil

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
W7, Anna Nagar All Women Police Station,
Chennai.
Crime No.170 of 2021.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending trial of the case in
S.C.No.138 of 2021 on the file of the learned Special Court for Exclusive
Trial of Cases under POCSO Act, 2012 at Chennai.

For Petitioner : Mr.M.P.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 17.08.2022 pursuant the non-bailable warrant issued against him on 20.12.2021, in S.C.No.138 of 2021, on the file of the learned Special Court for Exclusive Trial of Cases under POCSO Act, 2012 at Chennai.

2. The learned counsel for the petitioner would submit that the petitioner has been arrayed as A2, facing trial in S.C.No.138 of 2021 pending on the file of the learned Special Court for Exclusive Trial of Cases under POCSO Act, 2012 at Chennai for the offence under Section 366 A of IPC and 8 of POCSO Act, 2012. He would further submit that, due to illness, the petitioner did not appear before the Court on 09.12.2021 and hence, a Non Bailable Warrant was issued against him on 20.12.2021 and the petitioner has been remanded to judicial custody on 17.08.2022. He would further submit that the petitioner is prepared to comply with any stringent condition that may be imposed by this Court and also undertakes to co-operate for the speedy disposal of the trial. Therefore, he prays for grant of bail to the petitioner.



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3. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner has been all along regularly appearing before the court and on 09.12.2021, he failed to appear before the Court and therefore, the Court has issued a NBW against him and pursuant to which the petitioner has been arrested on 17.08.2022. Hence, he oppose to grant bail to the petitioner.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

5. Taking into consideration the facts and submissions of the case and the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioner with a condition.

6. 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 Sessions Judge for Exclusive Trial of Cases under POCSO Act,2012, Chennai** and on further conditions that:



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[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 trial Court on all working days, at 10.30 a.m., 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



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can be registered under Section 229A IPC.

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Sma

To

- 1.The learned Special Sessions Judge for
Exclusive Trial of Cases under POCSO Act,2012,
Chennai.
- 2.The Inspector of Police,
W7, Anna Nagar All Women Police Station,
Chennai.
- 3.The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Sma

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