



Crl.O.P.No.25569 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM

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

Crl.O.P.No.25569 of 2022

Kumar

... Petitioner

Vs.

State by:-

The Inspector of Police,
Thammampatty Police Station,
Salem District.

(Crime No.486 of 2013)

.. Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to grant bail to the petitioner pending investigation in Crime No.486
of 2013 on the file of the respondent police.

For Petitioner : Mr.B.Sundarapandiyan

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



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CrI.O.P.No.25569 of 2022

ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.07.2022 pursuant to the non-bailable warrant issued against him on 06.07.2022, in Spl.S.C.No.138 of 2019, on the file of the Sessions Judge, Principal POCSO Court, Salem, seeks bail.

2.The learned counsel for the petitioner would submit that the petitioner is an accused facing trial in Spl.S.C.No.138 of 2019 pending on the file of the learned Sessions Judge, Principal POCSO Court, Salem. He would further submit that the petitioner has been all along regularly appearing before the Court, due to his illness, he was unable to appear before the Court on 06.07.2022, due to which, Non Bailable Warrants were issued against him and pursuant to which the petitioner was arrested on 25.07.2022. He would also reiterate that the petitioner has been all along regularly appearing before the court and he is prepared to comply with any stringent condition that may be imposed by this Court and ready to furnish sufficient sureties. He would also submit that the petitioner will cooperate for the speedy disposal of the trial. Therefore, he prays for grant of bail to the petitioner.



Crl.O.P.No.25569 of 2022

WEB COPY

3. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner has been regularly appearing before the court and on 06.07.2022, 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 25.07.2022. 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 and also considering the fact that the petitioner except on 06.07.2022, he has been all along regularly appearing before the court, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on



CrI.O.P.No.25569 of 2022

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 Session Judge, Principal POCSO Court, 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 report before the learned trial Court 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.



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CrI.O.P.No.25569 of 2022

20.10.2022

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To

1. The Session Judge,
Principal POSCO Court,
Salem.
2. The Inspector of Police,
Thammampatty Police Station,
Salem District.
3. Central Jail,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.25569 of 2022

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.25569 of 2022

20.10.2022