



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2022

WEB COPY

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.25618 of 2021

Ravikumar @ Mottai

... Petitioner

Vs.

State Rep. by
Station House Officer,
Brammadesam Police Station,
Villupuram.
(Crime No.233 of 2019)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Spl.SC.No.49 of 2020, in Crime No.233 of 2019 pending trial before the Special Court of Exclusive Trial of Cases under POCSO Act, Villupuram.

For petitioner : Mr.M.Karthik

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

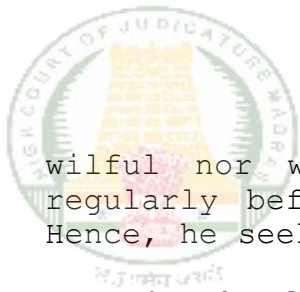
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 12.11.2021 for the offences under Sections 449, 366, 342, 354A, 376(2)(n), 376AB, 506(i) IPC u/s 5(1), 5(m), 6 of POCSO Act 2012, in Crime No.233 of 2019, on the file of the respondent police in Spl.S.C.No.49 of 2020 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested on 12.11.2021 pursuant to the Non Bailable Warrant issued against him on 09.11.2021.

3. The learned Counsel for the petitioner submitted that it is the case of the year 2019 and that the petitioner was regularly appearing before the trial Court. While so, due to non appearance of the petitioner on the date of trial on 09.11.2021, the learned Judge ordered Non Bailable Warrant against the petitioner following which, the petitioner was arrested on 12.11.2021 and that he has been suffering incarceration for more than 50 days from 12.11.2021. He further submitted that the absence of the petitioner is neither



wilful nor wanton and now the petitioner is prepared to appear regularly before the trial Court and to co-operate for the trial. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) raised objection stating already 15 witnesses have been examined and the case is posted today (03.01.2022) for examination of L.W.16 and if the petitioner is released on bail, there is every possibility that the petitioner getting abscond and the trial would be stalled.

5. It is seen that the sessions case is of the year 2020. Trial also began and part of the witnesses have been examined. Considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Special Court of Exclusive Trial of Cases under POCSO Act, Villupuram, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall appear before the Trial Court on all hearings and co-operate for the trial and he also also appear before the respondent police on every Saturday 10.30 a.m until further orders;

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond during trial;

(g) the petitioner shall not tamper with evidence or witness during trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
03/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL COURT OF EXCLUSIVE
TRIAL OF CASES UNDER POCSO ACT, VILLUPURAM.

2 THE STATION HOUSE OFFICER,
BRAMMADESAM POLICE STATION,
VILLUPURAM DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.M.KARTHIK Advocate on payment of necessary charges
SR.NO.24

CRL OP.25618/2021

Date :03/01/2022

CSK 04/01/2022