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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2022

CORAM:

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

Crl.O.P.No.25470 of 2021

M.Ramachandran

... Petitioner

Vs.

State Rep by
Station House Officer,
All Women Police Station,
Ulundurpet, Kallakurichi,
(Crime No.14 of 2018)

...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.71 of 2019 in Crime No.14 of 2018 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 petitioner who was arrested and remanded to judicial custody for the alleged offence under Section 5(k), r/w 6 of POCSO Act in Crime No.14 of 2018 on the file of the respondent police in Spl.SC.No.71 of 2019 on the file of the Special Court of Exclusive Trial of Cases under POCSO Act, Villupuram, seeks bail.

2. It is a case of jumped bail. The petitioner was arrested on execution of Non Bailable Warrant issued against the petitioner dated 23.11.2020.

3. The learned Counsel for the petitioner submitted that it is the case of the year 2018 and the petitioner was regularly appearing before the Court. Thereafter, the petitioner, due to health issues, he was unable to appear before the Court and thereby, the learned Judge ordered Non Bailable Warrant against the petitioner on 23.11.2020 following which, the petitioner was arrested and that he



has been suffering from incarceration for more than a year from 23.11.2020. He further submitted that 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.

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4. The learned Government Advocate raised objection stating that the victim is mentally disabled minor girl aged about 14 years and if the petitioner is released on bail, there is every possibility of the petitioner getting absconded and the trial would get stalled.

5. It is seen that the case is of the year 2018 and trial also began. Considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions;

(a) 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), 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall appear before the respondent police on everyday at 10.30 a.m. until further orders and the petitioner is also directed to appear before the trial Court on all hearings without fail. Further, the petitioner shall not have any communication with the victim girl till the disposal of the case.

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

(f) the petitioner shall not abscond during trial;

(g) 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]; and;



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

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-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 SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

3 THE STATION HOUSE OFFICER,
ALL WOMEN POLICE STATION,
ULUNDURPET, KALLAKURUCHI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S M.KARTHIK Advocate on payment of necessary charges
SR.NO.25

CRL OP.25470/2021

Date :03/01/2022

RW 04/01/2022