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Crl.O.P.No.31028 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2022

CORAM

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

Crl.O.P.No.31028 of 2022

G.Viknesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Bhavani, Erode District.

(Crime No.33/2020).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Spl.S.C.No.68 of 2021 pending
trial on the file of the Sessions Judge, Magalir Neethi Mandram, Fast Track
Mahila Court, Erode in Crime No.33 of 2020 on the file of the respondent.

For Petitioner : Mr.B.Mohan

For Respondent : Mr.S.Vinoth KUMar
Government Advocate (Crl.Side)



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ORDER

Criminal Original Petition has been filed seeking to enlarge the petitioner herein on bail in Spl.S.C.No.68 of 2021 pending trial on the file of the Sessions Judge, Magalir Neethi Mandram, Fast Track Mahila Court, Erode District, in connection with the Crime No.33 of 2020, on the file of the respondent Police.

2. The learned counsel for the petitioner submitted that the petitioner is an accused facing trial in Spl.S.C.No.68 of 2021 for the alleged offences under Sections 366 of IPC, 9 of CM Act and 6 of POCSO Act, pending on the file of the learned Sessions Judge, Magalir Neethi Mandram, Fast Track Mahila Court, Erode District. He further stated that originally the bail was granted to the petitioner on 23.03.2021 in Crl.M.P.No.166 of 2021 and he has been appearing before the Court on all hearing dates and since he was not aware of the hearing dates, he was unable to appear before the Court on 11.11.2021, thereby, a Non-Bailable Warrant of arrest was issued against him and pursuant to which, he was arrested on 04.07.2022. He also stated that the petitioner is prepared to comply with any stringent condition that may be imposed by this Court and also he is ready to co-operate for speedy



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disposal of the trial. Therefore, he prays for grant of bail to the petitioner.

3. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that since the petitioner, who is an accused facing trial in Spl.S.C.No.68 of 2021 , failed to appear before the Court on 11.11.2021, the Court has issued a NBW against him and pursuant to the same, he was secured and produced before the trial Court on 04.07.2022. He further submitted that the investigation is completed and however, he opposed 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 circumstances of the case and the submissions made by the learned counsel and taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/-(Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Sessions Judge, Magalir Neethi Mandram, Fast Track Mahila Court, Erode District** 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 trial Court on every Tuesday and Friday at 10.30 a.m., until completion of the trial and also appear before the trial Court on all hearing dates without fail.**

[c]the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d]the petitioner shall not abscond 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***



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[(2005) AIR SCW 5560]; and;

[f]if the accused thereafter absconds, a fresh FIR
can be registered under Section 229-A IPC.

15.12.2022

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To

- 1.The Sessions Judge,
Magalir Neethi Mandram,
Fast Track Mahila Court,
Erode District
- 2.The Inspector of Police,
All Women Police Station,
Bhavani, Erode District.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI,J.

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