



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K. ILANTHIRAIYAN**

Crl.O.P.(MD) No.3351 of 2022

Deivasigamani

...Petitioner/Respondent & Sole Accused

Vs.

The Inspector of Police

All Women Police Station

Vallam, Thanjavur District ...Respondent/Petitioner & Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the order dated 22.12.2020 passed Cr.M.P.No.500 of 2020 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur.

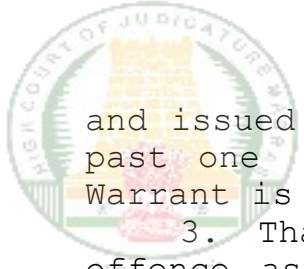
For Petitioner : M/s.Pragalathan N

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This petition has been filed seeking direction to set aside the order dated 22.12.2020 passed Cr.M.P.No.500 of 2020 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur on the ground that the petitioner is and accused in Crime No. 2 of 2020.

2. The case of the prosecution is that the petitioner herein is working as a sugarcane labour. While being so, the petitioner has committed penetrative sexual assault on the victim aged about 15 years, due to which she became pregnant and delivered a child. Thereafter a case was registered against the petitioner for the offences under Sections 376(3) of IPC and Sections 5(j)(ii) and 5(1) r/w.6 of POCSO Act and he was arrested and remanded to judicial custody. However he was granted bail by the learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Thanjavur vide Crl.M.P.No.425 of 2020 dated 15.10.2020 with a condition to report before the respondent police daily at 10.00 a.m., and 5.00 pm., until further orders. Thereafter the respondent has completed investigation and filed final report before the learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Thanjavur and the same has been taken cognizance in Spl.S.C.No.52 of 2020. The petitioner has complied with the condition for certain period and thereafter failed to comply with the said conditions, hence the respondent police filed a petition for cancellation of bail, and the learned Sessions Judge vide order dated 22.12.2020, has cancelled the bail granted to the petitioner



and issued Non Bailable Warrant as against the petitioner. For the past one year, the petitioner is absconding and the Non Bailable Warrant is pending against the petitioner.

3. That apart the petitioner has committed a very serious offence as against the minor girl, therefore the Court below has rightly cancelled the bail granted to the petitioner and issued Non Bailable Warrant as against the petitioner. Hence this Court finds no illegality or infirmity in the order passed by the Court below.

4. In the result, the Criminal Original Petition stands dismissed. The respondent police is directed to secure the petitioner within a period of two weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (AD I)

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Sub Assistant Registrar(CS)

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To

1.The Sessions Judge,
Special Court for Exclusive Trial of Cases
under Pocso Act, Thanjavur.

1.The Inspector of Police
All Women Police Station,
Vallam,
Thanjavur District.

3.The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madura.

Cr1.O.P.(MD) No.3351 of 2022
17.02.2022

MGJ(10.03.2022) 2P 4C